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# COMBINED WANPRESTASI LAWSUITS AND AGAINST THE LAW REVIEW OF THE JUSTICE SYSTEM IN INDONESIA

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**Abstract**
Civil lawsuits are not only claims for a wanprestasi lawsuits, but are also dominated by lawsuits against the law. The difference between a wanprestasi lawsuits and an act against the law is that a wanprestasi lawsuits is to place the plaintiff in a position where the compensation given is a loss of expected profit, while a lawsuit based on an unlawful act places the plaintiff in a position before the unlawful act occurs so that the compensation given is real loss. The results of the field research show that civil lawsuits in court are dominated by lawsuits against the law besides of course the lawsuit for a wanprestasi lawsuits's contract. To file a lawsuit against the law, it must be ensured that the provisions

contained in Article 1365 of the Civil Code are fulfilled, while to file a wanprestasi lawsuits, it must comply with the provisions of Article 1243 of the Civil Code. Based on this, the author examines the principle of justice which is simple, fast, and inexpensive in accordance with the law Number 48 of 2009 concerning Judicial Power with the concept of Merger of Lawsuits.

**Keywords**: Wanprestasi, Against the Law, Lawsuit

**Abstrak**

Gugatan perdata tidak hanya gugatan wanprestasi saja, tetapi juga didominasi oleh gugatan perbuatan melawan hukum. Perbedaan antara gugatan wanprestasi dengan perbuatan melawan hukum yaitu gugatan wanprestasi untuk menempatkan penggugat pada posisi dimana ganti rugi yang diberikan adalah kehilangan keuntungan yang diharapkan, sedangkan gugatan atas dasar perbuatan melawan hukum menempatkan penggugat pada posisi sebelum terjadi perbuatan melawan hukum tersebut sehingga ganti rugi yang diberikan adalah kerugian yang nyata. Hasil penelitian lapangan menunjukkan bahwa gugatan perdata yang ada di pengadilan didominasi oleh gugatan perbuatan melawan hukum, disamping tentunya gugatan wanprestasi kontrak. Untuk mengajukan gugatan, perbuatan melawan hukum harus dipastikan terpenuhinya sebagaimana ketentuan dalam Pasal 1365 KUHPerdata, sedangkan untuk mengajukan gugatan wanprestasi harus memenuhi ketentuan dalam Pasal 1243 KUHPerdata. Berdasarkan hal tersebut, penulis mengkaji asas peradilan yang bersifat sederhana, cepat, dan biaya murah sesuai dengan bunyi undang-undang Nomor Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman dengan konsep Penggabungan Gugatan.

**Kata Kunci***: Wanprestasi, Melawan Hukum, Gugatan*

## INTRODUCTION

Subjects in law include individuals and legal entities who will all get the same rights and obligations in the eyes of the law, not apart from civil law and civil procedural law. People who can carry out legal actions are people who are adults and/or married. Meanwhile, people who are not capable of carrying out legal actions are people who are not yet mature, people who are under guardianship and a woman who has a husband (Article 1330 BW). In addition to *naturlijk persoon* as legal subjects, other

legal subjects are *rechtpersoon* legal entities. The provisions regarding legal entities in the BW are only contained in 13 articles, namely Articles 1653 to 1665 BW.

Civil procedural law is a series of regulations that contain how a person must act before a court and how the court takes action with one another to carry out the passage of civil law regulations (Rasyid, 2015:9). In the practice of civil procedural law, it is often found that a lawsuit against the law is filed together with several arguments related to the wanprestasi action.

Some expert opinions regarding the meaning of Civil Procedure Law, namely Wirjono Prodjodikorom argues that Civil Procedure Code is a series of regulations that contain the way in which people must act against and before the court and the manner in which the courts must act with each other to carry out the legal regulations. civil. According to R. Subekti, procedural law serves material law, so naturally every development in material law should always be followed by adjustments to the procedural law. Another thing with M.H Tirtaamidjaja said that civil procedural law is a consequence arising from material civil law. Meanwhile, Soepomo said that in civil courts, the task of judges is to maintain the civil law system (*Burgelijke Rechtorde*) to determine what is determined by law in a case.

According to Soedikno Mertokusumo, civil procedural law is a legal regulation that regulates how to ensure compliance with material civil law through a judge or legal regulations that determine how to guarantee the implementation of material civil law. Concretely, civil procedural law regulates how to file a claim for rights, examine, and decide and implement the decision. Meanwhile, according to Abdul Kadir Muhammad, civil procedural law is a legal regulation that regulates the process of resolving civil cases through judges (*courts*) from the time the lawsuit is filed until the implementation of the judge's decision (Rasyid, 2015:10). From the opinions of the experts above, it becomes a reference for a person or legal subject to file a civil lawsuit in accordance with the interests that are felt to be harmed by other legal subjects, so that someone can seek justice and legal certainty.

In civil procedural law, initiative, namely whether or not a case must be taken by a person or persons who feel that their rights have been violated. This is different from the nature of criminal procedural law which generally does not depend on the existence of a case from the

initiative of the person who was harmed. For example, if there is a collision without a complaint, the authorities continue to act, the police come, an examination is carried out, the defendant is brought before the court. Because in civil procedural law the initiative lies with the plaintiff, the plaintiff has a great influence on the course of the case, after the case is filed, within certain limits can change or revoke the lawsuit. The function of civil procedural law is a series of ways to maintain and defend material civil law.

These principles of civil procedural law are related to the basics and principles of justice and guidelines for the judicial environment, both general and specific, including (Rasyid, 2015:17):

1. The judiciary is free from interference from parties outside the jurisdiction of the judiciary;
2. The principle is simple, fast and low cost;
3. Principle of Objectivity;
4. A lawsuit/application can be filed by letter or verbally;
5. The litigation initiative is taken by interested parties;
6. The activeness of the judge in the examination;
7. Proceedings are subject to a fee;
8. The parties may request assistance or represent an attorney;
9. The open nature of the trial; and
10. Listen to both sides.

Wanprestasi lawsuits is different from breaking the law. The definition of wanprestasi lawsuits is a lawsuit which is basically a “lawful act against the law”, it is said that way because the party who is declared in default must have committed an unlawful act. The lawsuit against the law is like violating the agreement, then the party who feels aggrieved can file a loss to the general court by filing a civil lawsuit.

A person can be said to be in wanprestasi if it violates an agreement that has been agreed with another party, it is not called a default if there is no previous agreement. While a person is said to have committed an unlawful act if his act is contrary to the rights of others, or contrary to his own legal obligations, or contrary to decency. Regulations related to lawsuits against the law in the Civil Code are regulated in Article 1365 to Article 1380. Article 1365 of the Civil Code states: "*Every act that violates the law and causes harm to others, obliges the person who caused the loss because of his mistake to replace the loss. the*."

According to Article 1365 of the Civil Code, what is meant by an unlawful act is an act that violates the law and because of an error the act causes harm to others. Provisions regarding wanprestasi are relatively more detailed, including the regulation on the emergence of the right to demand which is regulated in Article 1267 of the Civil Code, Article 1243 of the Civil Code on compensation schemes, Article 1238 of the Civil Code concerning statements of negligence in carrying out achievements, and other arrangements.

Civil lawsuits in court are dominated by lawsuits against the law, in addition to that, of course, a lawsuit for wanprestasi lawsuits's contract (Fuady, 2017: 1). To file a lawsuit against the law, it must be ensured that the provisions in Article 1365 of the Civil Code must be fulfilled, while to file a wanprestasi lawsuits, it must comply with the provisions of Article 1243 of the Civil Code.

The theory in civil procedural law asserts that the amalgamation of tort claims and unlawful acts (PMH) cannot be justified. The Supreme Court once issued a Supreme Court decision numbered 1875 K/Pdt/1984 dated April 24, 1986 which confirmed the same thing. In practice, there are still parties who mix wanprestasi and PMH as the basis for their lawsuit with new doctrinal arguments and explanations on the basis of seeking justice and legal certainty.

In some explanations, cumulative lawsuits are not a combination of default and unlawful acts. Wanprestasi lawsuits and unlawful acts differ in principle. Wanprestasi must be based on an agreement, the performance of which is not carried out according to the agreement. Meanwhile, an act against the law is an act against the law which includes, criminal, civil, as well as criminal and civil at the same time. Therefore, both of them must be solved each separately. A person can be said to be in wanprestasi if it violates an agreement that has been agreed with other parties, while someone can be said to have committed against the law if his actions are contrary to the rights of others, or contrary to his own legal obligations, or contrary to decency. The duties and authorities of the judiciary in the civil sector are to receive, examine, adjudicate and resolve disputes between the litigants. The nature of civil procedural law which is formal law, namely the law regarding the process of resolving disputes through the courts, and binding on all parties and cannot be deviated, so that civil procedural law has a public nature (Fakhriah, 2011:195).

The dispute or dispute cannot be resolved by the parties themselves, but requires a settlement through the court as an authorized and impartial agency. The task of the judge is to resolve disputes fairly, by adjudicating the disputing parties in a court session and then giving their decision. The task of such a judge is included in Jurisdictio Contentiosa, which means the authority to judge in the true sense of the word to give a judgment of justice in a dispute. Judges in carrying out their duties based on *Jurisdictio Contentiosa* must be free from influence or pressure from any party (*independent Justice*).

In the Civil Code system, there are various kinds of claims that should not be mixed up, which means that it is not enough for a plaintiff to ask for justice, but he must express (*stellen*) and if necessary, prove a violation of a certain article of the Code. Civil law or other laws, and must also pre-determine what he is asking for, for example the delivery of a certain item, or the emptying of a building or payment of compensation in the form of money or other forms, or a certain act, or a prohibition on committing an act. certain that the defendant has also never done it but will do it, if not prohibited (Projodikoro, 2000: 101).

Positive law in Indonesia does not regulate the accumulation of civil lawsuits. Soepomo pointed out one of the decisions of Raad Justisie Jakarta on June 20, 1939 which allowed the accumulation of lawsuits, provided that there was a close relationship between the lawsuits (*innerlijk samnehang*)(Soepomo dan Harahap, 2006). The same explanation is stated in Supreme Court Decision No. 575 K/Pdt/, as stated that although it is not regulated by HIR and RBg, merging cases can be carried out as long as it is really to facilitate or simplify the examination process and avoid conflicting decisions (Harahap, 2004: 456).

A claim for rights must have sufficient legal importance and this is the main condition for the acceptance of the claim by the court (point d'interet, point d'action) but it does not mean that every claim for rights that has a legal interest will be granted by the court. The court will grant the claim for rights if after the evidentiary process, the court is of the opinion that the claim for rights submitted is proven and is based on the fact that the claim for rights submitted is proven and based on the existence of a right (Sunarto, 2014: 82).

Yahya Harahap stated that although in the Supreme Court's decision the argument put forward in the lawsuit was an act against the

law and the actual legal event was a breach of contract, the lawsuit was not obscuur libel because the judge could consider that the argument of the lawsuit was a wanprestasi lawsuits (Harahap, 2004: 77). Seeing in the problem of merging a criminal case with a claim for compensation, there are several advantages and/or benefits that have been felt, namely it is a shortcut that can be used by someone who is harmed to get compensation as soon as possible, because by ignoring the procedure for applying for a claim for compensation that is regulated In the Civil Procedure Code, a person by the Criminal Procedure Code has made it possible to claim compensation at the same time as the examination of the criminal case concerned. Of course, this merger will benefit the victim because in this way compensation for the loss suffered by the victim will be carried out quickly, cheaply and simply.

Decision of the Supreme Court No: 2990 K/Pdt/1990 dated May 23, 1992 provides an illustration of the application reference related to the Merger of Lawsuits. The reasons that can be justified in merging the lawsuit are for the following reasons (Harahap,2010: 104-105):

1. First, the lawsuits which are combined are similar, namely the Plaintiffs consist of depositors of PT. Bank Pasar Dwiwindu (as the defendant), the case where the depositors cumulatively demanded the return of deposits;
2. Second, the legal settlement and interests demanded by the Plaintiffs are the same, demanding the return of the deposit;
3. Third, the legal relationship between the plaintiffs and the defendants is the same, namely as depositors dealing with the defendant as deposit recipients;
4. Fourth, the proof is the same and easy, so it does not complicate the cumulative examination.

Merger of lawsuits means the merging of several lawsuits in one lawsuit. Also called the accumulation of lawsuits or the term in Dutch is samenvoeging van vordering, namely the merging of more than one lawsuit into one lawsuit. In principle, each lawsuit must stand alone. Each lawsuit is filed in a separate and independent lawsuit. However, within certain limits, it is permissible to combine lawsuits in one lawsuit, if there is a close relationship or connection between one lawsuit and another (Harahap,2010: 102).

Justice seekers who feel that they have been harmed by a person or corporation related to civil law will file a lawsuit to the Court in the hope

of resolving the problems they face by submitting a decision to the Panel of Judges as Examiner and Decider of a Case that is authorized by law. Apart from the above context, there is an example of a Lawsuit Number: 264/Pdt.G/2021/PN.Jkt.Pst. which is where the Plaintiff feels that he has suffered material and immaterial losses from the agreement with the Defendant where in the agreement there is an element of Default and Unlawful Act, where the Plaintiff wants to seek justice by wanting to cancel the agreement and ask for damages to the Defendant.

Formal sources of law are sources of law where a regulation has legal force which will then become a reference in law enforcement, and cannot be separated from being a judge's consideration in deciding a case in a trial that becomes a debate about a problem from the principal, which consists of the following:

1. Constitution
   Legislation is a statutory regulation established by the House of Representatives (DPR) with the approval of the President. The law has the position as a rule for the people to consolidate in politics and law and regulate life together in realizing the goals of the state.
2. Habit
   Habits can be interpreted as an action that is carried out repeatedly based on fixed, common, and normal behavior. Customs can be a source of law according to the legal system in Indonesia.
3. Treaty
   A treaty is an agreement made between countries in a certain form. As stated in Article 11 of the 1945 Constitution, which reads, "The President with the approval of the DPR declares war, makes peace and treaties with other countries."
4. Jurisprudence
   Jurisprudence is the decisions of previous judges to face a case that is not regulated by law. This decision is used as a guide for other judges to resolve the same case. Jurisprudence is formed due to unclear laws and causes judges to find it difficult to make decisions. The judge then makes a new law by studying the previous judge's decision to overcome the case at hand. This decision from the previous judge is called jurisprudence.
5. Doctrine
   Legal doctrine is a statement poured into language by all legal experts. The results of the statement were agreed upon by all parties.

Generally, the settlement of cases is based on laws, international treaties and jurisprudence.

According to some experts, jurisprudence is a source of law applicable in Indonesia which has the following meanings:

1. R Subekti who explained that jurisprudence is the decisions of judges or courts that are permanent and justified by the Supreme Court as a court of cassation or decisions of the Supreme Court that are permanent. Purnadi Purbacaraka and Soerjono Soekanto who define jurisprudence as a permanent court or judicial law.
2. Mahadi who explained that the meaning of jurisprudence is not the decisions of judges, nor as a "series" of decisions, but the law formed from the decisions of judges.
3. Surojo Wignjodipuro who stated that the judge's decision on certain legal issues became the basis for the decisions of other judges. The decision was later transformed into a permanent judge's decision on the issue in question. The law contained in the decision is called jurisprudence.

The presence and application of jurisprudence is certainly intended to fulfill certain functions. Regarding this matter, explained by the Supreme Court, there are five jurisprudential functions, namely:

1. Enforce the existence of the same legal standard in the same or similar cases or cases, because the law does not clearly regulate this matter;
2. Creating legal certainty in the community with the same legal standards;
3. Creating legal similarities and predictable legal solutions;
4. Preventing the possibility of disparities in the various judges' decisions in the same case. If there is a difference in decisions between one judge and another, the difference does not cause disparity, but the difference is a casuistic variable; and
5. Manifestation of legal discovery.

The Supreme Court explains that a court decision can be declared as permanent jurisprudence if it has at least the following six elements.

1. The decision or case has no legal rules or if there is, the legal rules are not clear.
2. The decision has permanent legal force.
3. Decisions contain truth and justice.

4. The decision has been repeatedly followed by subsequent judges in deciding cases that have the same facts, events, and legal basis;
5. The decision was justified by the Supreme Court through the Supreme Court's decision and examination by the Jurisprudence Team of the Supreme Court.
6. The decision has been recommended as a decision that has permanent jurisprudence qualifications.

**DISCUSSION**

In principle, each lawsuit must stand alone, each lawsuit is filed in a separate lawsuit separately, and examined and decided in a separate and independent examination and decision process. However, in certain cases and limits, it is permissible to combine lawsuits in one lawsuit if there is a close relationship or connection between one lawsuit and another.

Civil lawsuits are not only lawsuits for default but also lawsuits against the law. Default is different from an unlawful act. The difference between a breach of contract and an act against the law is that a breach of contract is to place the plaintiff in a position where the compensation given is a loss of expected profit, while a lawsuit based on an unlawful act places the plaintiff in a position before the unlawful act occurs so that the compensation given is real loss. The judge as the decider in a case that was submitted in the trial based on Law Number 48 of 2009 concerning Judicial Power, in Article 2 paragraph (4), stated that "trials are carried out simply, quickly, and at low cost." Simple means that the examination and settlement of cases is carried out in an efficient and effective manner.

One example of a lawsuit for termination of an agreement due to default and acts against the law is Case Number: 264/Pdt.G/2021/PN.Jkt.Pst. In the main case the Plaintiff carried out a combined lawsuit or objective accumulation, Default and Lawsuit for Unlawful Acts, where the Defendant had Defaulted by not carrying out the agreed sound of the agreement, and the Defendant also committed Acts that were not stated in the contents of the agreement clause with the Plaintiff so that The Plaintiff suffered material and immaterial losses.

Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power states that “trials are conducted simply, quickly, and at low cost.” Simple means that the examination and settlement of cases is

carried out in an efficient and effective manner. The fast principle, the principle that is universal, relates to the completion time that is not protracted. This fast principle is known as the justice delayed justice denied adage, meaning that a slow judicial process will not provide justice to the parties. The low cost principle means that the cost of the case can be reached by the community.

From the explanation above, the lawsuit is filed separately while the subject matter of the same case would be contrary to the principles of simple, fast, and low-cost justice. Where the panel of judges will examine the same case with a different lawsuit number, in terms of the principle of a fast trial, the plaintiff or the principal will take a long time to seek justice and legal certainty, and the principle of low cost does not apply because the lawsuit with the same subject matter is filed separately. by bearing expensive court fees and other costs that must be borne by justice seekers. According to Sudikno Mertokusumo, in the Civil Procedure Code there are several principles, namely (mertokusumo, 2002: 9-15):

1. Judge is waiting;
2. Passive judge;
3. The open nature of the trial;
4. Hear both sides;
5. The decision must be accompanied by reasons;
6. Proceedings are subject to a fee;
7. There is no need to represent.

In the sense of this principle, the proposed lawsuit will be subject to costs that are borne by the plaintiff, in the case of this research, if the lawsuit is separated and filed between a Default lawsuit and a lawsuit against the law, the Plaintiff will bear a large cost.

A judge who decides a decision on a case that is not prosecuted and exceeds what is demanded is the meaning of Ultra Petitum Partium. In Indonesia, the principle of freedom of judges is fully guaranteed in Law Number 48 of 2009 concerning Judicial Power. Hereinafter referred to as the Law on Judicial Power, where it is formulated that judicial power is the power of an independent state to administer justice to uphold law and justice.

Judges in making decisions in a case, besides being required to have intellectual abilities, must also have high morals and integrity so that they are expected to reflect a sense of justice, guarantee legal

certainty and can provide benefits to the community. Based on Article 53 of the Law on Judicial Power, it reads:

1. In examining and deciding cases, the judge is responsible for the decisions and decisions he makes.
2. The stipulation and decision as referred to in paragraph (1) must contain the judge's legal considerations based on the correct and correct reasons and legal basis.

In this case the judge acts as an enforcer of justice, so legal considerations are very important in deciding a case. Thus, a basic conclusion can be drawn that: "The judge's decision is the "crown", "peak", and "closing deed" of the civil case process. Therefore, it is hoped that the judge's decision handed down should reflect the value of justice and truth based on the law so that it can be accepted especially by both parties to the case and as far as possible avoid the emergence of new cases in the future and can be accounted for to justice seekers (yusticiabelen), the science of law itself , the conscience of judges and society in general, and for the sake of justice based on the One Godhead".

If viewed from the side of expediency, the merger of defaults and acts against the law must be strictly separated because it becomes a reference for law enforcers, especially judges and lawyers, to be able to understand and apply these provisions in the trial of civil cases in Indonesia. Because most law enforcers always mix up acts of default and acts against the law at the same time in a lawsuit, even though there is not a single article in the Civil Code stating whether a default and an act against the law are combined in a lawsuit stating that the lawsuit is null and void, contrary to regulations. legislation and cannot be accepted so that it is important to become a scientific study for legal scholars.

A judge's decision that contains elements of legal certainty will make a contribution to legal science, because the judge's decision in court will be binding on both parties to the dispute and has permanent legal force, no longer the opinion of the panel of judges but turns into a decision from the court institution and becomes a reference. of people in everyday life.

Radbruch provides a fairly basic opinion regarding legal certainty. There are 4 (four) things related to the meaning of legal certainty:

1. Law is positive, namely legislation.
2. The law is based on facts or the established law is certain.

3. The facts (facts) must be formulated in a clear way so as to avoid mistakes in meaning, in addition to being easy to implement.
4. Positive law should not be easy to change”

## CONCLUSION

That the cumulative lawsuit or the merger of the Default Lawsuit and the Lawsuit against the Law supports the principle of a simple, fast and low-cost judicial, as described and Law Number 48 of 2009 concerning Judicial Power, in Article 2 paragraph (4). Whereas in the example of the lawsuit Number: 264/Pdt.G/2021/PN.Jkt.Pst. The Plaintiff has been firm and clear about the description of the legal facts and their elements, both from defaults and acts against the law separately. This is also in line with the opinion of the Civil Expert Dr. Erlina B., S.H., M.H., in court, who testified that in the technique of preparing a lawsuit, the formal and material requirements must be strictly observed in accordance with Article 8 Number 3 Rv, namely Formal Requirements and Material Requirement. Formal Requirement: (1). The lawsuit is registered in the District Court in accordance with the relative authority, (2). Dated, (3). Signed by the Plaintiff or his Proxy, and (4). The identity of the parties. And Material Requirements: (1). Complete formulation of the basis of the lawsuit or the basis of the claim (fundamentum petendi), and (2). Include the Petitum of the lawsuit or the main claim,

Whereas in relation to the 'Merger of Claims' for Unlawful Acts with 'Calls for Default' in a single lawsuit, it can be justified according to the order of civil proceedings, each claim does not have to be settled in a separate lawsuit.

That this is in line with the Jurisprudence of the Supreme Court in the MA-RI Decision No. 2686 K/Pdt/1985 dated January 29, 1987 and Supreme Court Decision No. 886 K/Pdt/2007, the Panel of Judges in their deliberations stated: "*Even though in the lawsuit there is a posita of default and unlawful acts, but they are clearly described separately, then such a lawsuit in the form of objective accumulation can be justified.*"

Based on the foregoing, to study further as a consideration for the panel of judges in deciding the cumulative lawsuit, it is necessary to first examine whether there is a close relationship and legal relationship as a condition for the fulfillment of the validity of the cumulative objective. That the preparation of the lawsuit in accordance with Article 8 No. 3 Rv,

in which the requirements regarding the content of the lawsuit require that the lawsuit basically contains:

1. identity of the parties,
2. concrete arguments regarding the existence of a legal relationship which is the basis and reasons for the demands or better known as the fundamentals of the petition or posita, and
3. claim or petition.

This is also in line with the opinion of the Civil Expert Dr. Erlina B., S.H., M.H., in court, who testified that the merger of the Default and PMH lawsuits could be carried out, provided that the merger was legal and met the following requirements:

1. It is permissible to accumulate claims, as long as there is a close connection or causal relationship between one lawsuit and another.
2. Cumulative lawsuits are subject to the same procedural law,
3. Cumulative claims are subject to the same absolute competence,
4. The legal settlement and the interests demanded are the same,
5. The legal relationship between the Plaintiff and the Defendant is the same,
6. Proof is the same and easy, so it does not complicate the examination cumulatively.

The Expert further explained that if 2 acts are combined into 1 lawsuit (default and acts against the law), the principles of fast, simple and low-cost justice will also be fulfilled. If the lawsuit is separated, the registration will be different and will be examined by a different panel of judges, it may result in conflicting decisions. Therefore, to avoid this, if the fundamentals of the petitioners are the same, the contents of the lawsuit are the same, in line with existing legal jurisprudence, these can be combined.

Based on the description above, because the lawsuit contains a match between the legal concept of objective accumulation and the constituting of facts, all the requirements for the accumulation of claims in this case have met the qualifications as characteristics of an objective cumulative claim. Due to the lawsuit there is a match between the legal concept of objective accumulation and the constituting of facts, all requirements for the accumulation of claims have met the qualifications as characteristics of an objective cumulative lawsuit. If in a case the Defendant cannot prove his arguments to refute the Plaintiff's argument,

please consider it a confession by the Defendant, which in Article 1866 of the Civil Code the acknowledgment is one of the perfect pieces of evidence. The Panel of Judges examining and adjudicating the case of a Merger claim or objective accumulation must be thorough and thorough in examining the case and deciding, in order to create justice and legal certainty in accordance with applicable principles.

## REFERENCES

Fuady, Munir. *Perbuatan Melawan Hukum,* Bandung, Citra Aditya Bakti, 2017.

Fakhriah, Efa Laela. *Bukti Elektronik Dalam Sistem Pembuktian Perdata edisi ke 2*. Jakarta: Alumni, 2011.

Harahap, Yahya. *Hukum Acara Perdata, tentang Gugatan, Perisangan, Penitaan,Pembuktian dan Putusan Pengadilan*, Jakarta, Sinar Grafika, 2004.

Mertokusumo, Sudikno. *Hukum Acara Perdata Indonesia*. Liberty. Yogyakarta, 2002.

Prodjodikoro, Wirjono. *Perbuatan Melanggar Hukum*. Bandung: Mandar Maju, 2000. Soepomo dan Harahap, Yahya. *Hukum Acara Perdata Tentang Gugatan, Persidangan, Penyitaan, Pembuktian dan Putusan Pengadilan*. Jakarta, Sinar Grafika, 2006.

Rasyid, Laila.M. *Modul Hukum Acara Perdata*. Aceh. Unimal Press. 2015

Sunarto. *Peran Aktif Hakim Dalam Perkara Perdata*. Jakarta: Kencana Prenada Media Group, 2014.