

The essence of authority and legal certainty of district courts in the execution of equitable consignment

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Citation: Usup, M. A. S., Kalalo, M. E., & Frederik, W. A. P. G. **2026**. The essence of authority and legal certainty of district courts in the execution of equitable consignment. *INJURLENS*, 6 (1), 48-59, <https://doi.org/10.51749/injurlens.v6i1.157>

Academic Editor: Nurhayati, Y.

Data:

Received: 13 Mei 2026

Accepted: 23 Mei 2026

Publish: 10 June 2026

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Abstract: This study emphasizes the inconsistency between consignment as a mechanism for releasing debtors from obligations and the disputable nature of such release before creditor acceptance or court determination. This issue raises a normative question regarding whether consignment, particularly at the execution stage by the District Court, fulfills the principles of legal certainty, justice, and balance. Accordingly, this research examines: (1) the nature of the authority and legal certainty of the District Court in executing equitable consignment; (2) the urgency of the District Court's authority in affecting legal certainty; and (3) the ideal concept of such authority and legal certainty. This research employs normative juridical legal research with a prescriptive approach. The findings indicate that the authority and legal certainty of the District Court in equitable consignment execution must be understood through both normative validity and procedural legitimacy. Moreover, uncertainty in normative and institutional aspects at the execution stage may transform consignment from an instrument of certainty into a source of further uncertainty. Therefore, the ideal model of executorial authority should be independent, final and binding, effective yet proportional, and integrated with law enforcement, legal protection, and social justice principles.

Keywords: Execution of Consignment; Equitable Consignment; Legal Certainty; Nature of Judicial Authority.

INTRODUCTION

The nature of the authority and legal certainty of the District Court in the execution of equitable consignment needs to be placed within the framework of civil procedural law and the doctrine of judicial authority. Within the execution regime, the District Court acts as an organ that orders and leads the implementation of court decisions as well as other legally recognized executorial actions. Therefore, the regulation of execution under the HIR and RBg serves as the procedural basis for assessing the prerequisites of

execution, the stages that must be followed, and the limits of judicial authority in ensuring that decisions or rulings can be effectively enforced.

Consignment essentially refers to a mechanism of depositing money or goods with the court as a form of fulfilling an obligation when payment cannot be directly delivered to the entitled party due to rejection, uncertainty of the recipient, or other conditions recognized under civil law. In this context, the authority of the Chief Judge of the District Court becomes central, as the Chief Judge assesses the completeness of the application, determines the necessary procedural steps, and ensures that the implementation of consignment-related actions is carried out in accordance with the principles of fair and orderly judicial proceedings. Legal certainty regarding consignment requires clarity of legal basis, clarity of the legal status of the deposited funds, and an accountable procedure, including the administrative management of deposits and the mechanism for their transfer to the rightful party, so that court actions can be legally justified and held accountable.

Justice in the implementation of consignment requires that the deposit mechanism is not positioned as a form of coercion against the entitled party, but rather as an instrument to maintain the balance of rights and obligations between the parties when payment cannot be made in the ordinary manner. Therefore, the consignment procedural design must ensure the protection of the rights of the deposited party, provide space for objections or claims, and ensure careful verification of the rightful recipient before the funds are released. In practice, consignment often arises in disputes or objections concerning compensation, particularly in land acquisition for public interest, where procedural issues and the certainty of the status of deposited funds become crucial to prevent further disputes and to maintain the legitimacy of court decisions (Salsabila & Harjono, 2024).

Several previous studies have examined consignment from different legal perspectives. First, the study conducted by Nonik Eka Salsabila and Harjono entitled "Study on the Implementation of Consignment in Land Acquisition for Public Interest at the Boyolali District Court" focused on the procedural implementation of consignment in land acquisition for public purposes. The study found that the implementation of consignment was carried out based on Law Number 2 of 2012 and Supreme Court Regulation (PERMA) Number 2 of 2021 in conjunction with PERMA Number 3 of 2016, resulting in the extinguishment of land rights and their transfer to state control (Salsabila & Harjono, 2024). However, the study mainly focused on procedural compliance and administrative legal consequences, without comprehensively analyzing the executorial authority of the District Court in ensuring legal certainty and substantive justice.

Second, the research conducted by Iwan Erar Joesoef entitled "Reconstruction of Revocation of Land Rights and Consignment in Land Acquisition for Public Interest" discussed the relationship between consignment and the revocation of land rights in public infrastructure development. The study concluded that consignment in land acquisition essentially results in the extinguishment of land rights and is more appropriately applied in development projects carried out for public interests by the state (Joesoef, 2021). Nevertheless, the study primarily emphasized land acquisition policy and the reconstruction of the concept of revocation of land rights, without

positioning the District Court as the main focus of analysis concerning executorial authority and legal protection for the parties involved.

Third, the study by Deiby Rifka Purwanti Wagiran, Ronny A. Maramis, and Jemmy Sompdakh entitled "Land Acquisition Disputes Without Consignment Through the District Court" examined the settlement of land acquisition disputes without the use of consignment mechanisms through the District Court. The study emphasized the importance of protecting the rights of affected communities and maintaining a balance between development interests and individual rights protection (Wagiran et al., 2023). However, the study mainly focused on land acquisition dispute resolution and did not specifically discuss procedural legitimacy and legal certainty in the execution of consignment by the District Court.

Based on these studies, it can be understood that previous research has predominantly discussed consignment from the perspectives of procedural law, land acquisition law, or contract and obligations law. Existing studies mainly focus on procedural mechanisms, compensation disputes, and administrative aspects of land acquisition. In contrast, discussions regarding the executorial authority of the District Court in ensuring legal certainty, legal protection, and substantive justice in the execution of consignment remain limited. Consequently, there remains a normative and conceptual gap concerning how the authority of the District Court should be exercised as an instrument integrating normative validity, procedural legitimacy, legal protection, and social justice orientation in equitable consignment execution.

From the perspective of obligations law, consignment functions as a legal remedy when the creditor refuses payment or when the recipient is unknown, thereby potentially exposing the debtor to disproportionate legal consequences, such as interest accrual or liability for breach of contract (default). In legal doctrine, this condition is known through the concept of an offer of payment (*aanbod van gereed betalen*), which is fundamentally made after the creditor's refusal. If the refusal persists, it may be followed by a deposit with the court. Thus, consignment does not stand alone, but rather constitutes a series of legal actions that require a prior offer of payment and compliance with certain formal requirements in order for its legal effects to be recognized.

Based on the foregoing explanation, the principal issue that must be emphasized in the background of this study is the potential inconsistency between the purpose of consignment as a mechanism for discharging the debtor's obligation and the nature of such discharge, which remains debatable prior to acceptance by the creditor or a judicial determination. This inconsistency directly raises a normative question as to whether consignment, particularly at the execution stage conducted by the District Court, has fulfilled the principles of legal certainty, justice, and balance. This formulation logically directs the focus of the research toward the nature of the authority and legal certainty of the District Court in the execution of equitable consignment.

The novelty of this research lies in its analysis of the executorial authority of the District Court as a framework integrating normative validity, procedural legitimacy, legal protection, and social justice orientation in the execution of equitable consignment. Unlike previous studies that separately discuss procedural mechanisms, land acquisition compensation, or the discharge of contractual obligations, this research specifically positions the District Court not merely as an administrative executor, but as an

institution responsible for ensuring the realization of legal certainty and justice in the execution of consignment.

Accordingly, this research aims to analyze the nature of the authority and legal certainty of the District Court in the execution of equitable consignment, to examine the urgency of the District Court's authority in influencing legal certainty in the execution of consignment, and to formulate the ideal concept of judicial authority and legal certainty in the execution of equitable consignment.

Accordingly, the research is directed by the following research problems: (1) What is the nature of the authority and legal certainty of the District Court in the execution of equitable consignment? (2) How does the urgency of the District Court's authority influence legal certainty in the execution of consignment? and (3) What is the ideal concept of authority and legal certainty of the District Court in the execution of equitable consignment?

METHODS

This study employs normative juridical legal research with a prescriptive approach to analyze legal norms, principles, and doctrines concerning the authority of the District Court and legal certainty in the execution of equitable consignment. The research primarily relies on secondary legal materials, while interviews are used only as supporting and complementary data to strengthen the normative legal analysis (Ibrahim, 2017).

The approaches applied in this study include the statutory approach, conceptual approach, and case approach. The statutory approach examines legislation related to consignment, execution, and judicial authority, including the Civil Code, HIR, RBg, Law No. 48 of 2009 on Judicial Power, Law No. 2 of 2012, and Supreme Court Regulation No. 3 of 2016. The conceptual approach analyzes legal doctrines and principles concerning judicial authority, legal certainty, justice, and consignment, while the case approach examines court decisions with permanent legal force relevant to consignment execution and judicial reasoning (*ratio decidendi*) (Fajar & Yulianto, 2010; Marzuki, 2010)

The legal materials consist of primary, secondary, and tertiary legal materials collected through library research. The materials are analyzed qualitatively using legal interpretation and legal reasoning to formulate legal arguments concerning the authority and legal certainty of the District Court in the execution of equitable consignment.

RESULTS AND DISCUSSION

The Nature of Authority and Legal Certainty of the District Court in the Execution of Equitable Consignment

The essence of the authority and legal certainty of the District Court in the execution of equitable consignment must be understood within the framework of civil procedural law and the doctrine of judicial authority. Historically, the concept of *rechtstaat* developed as an antithesis to *machtsstaat*, emphasizing that the legitimacy of state actions derives

from law rather than mere power. Consequently, every judicial action, including consignment execution, must be based on valid legal norms and directed toward the realization of justice and legal certainty.

Historically, the regulation of consignment originated from the Dutch civil law system and was later adopted into the Indonesian Civil Code (*KUHPerdata*). Initially understood merely as a mechanism for depositing payment, consignment has developed into a legal instrument aimed at ensuring legal certainty and balancing the rights and obligations of the parties in situations where direct payment cannot be carried out.

Within the context of consignment execution, the philosophical relevance of the rule of law lies not merely in the existence of legal norms, but in the court's ability to exercise executorial authority in a measurable, accountable, and fair manner. Therefore, the authority of the District Court should not be understood solely as a formal-administrative authority, but as a juridical authority intended to ensure the protection of rights and the realization of substantive justice in execution practices. (Karyudi & Firdausiah, 2024)

The principle of legality constitutes the primary foundation of judicial authority. Article 1 paragraph (3) of the 1945 Constitution affirms Indonesia as a state based on the rule of law, while Article 24 paragraph (1) establishes judicial power as an independent authority to uphold law and justice. Accordingly, every executorial action conducted by the court must have a clear legal basis, operate within legal limits, and pursue the objectives of justice, legal certainty, and utility (Utari & Widya Saputri, 2024)

Legality in judicial authority contains three essential elements: the legal basis of authority, the limits of authority, and the purpose of authority. First, judicial actions may only be exercised when authorized by law. Second, such authority is limited by procedural and substantive legal norms. Third, judicial authority must be directed toward the protection of rights and the realization of justice. In the context of consignment execution, these elements are essential because the court exercises state authority that directly affects the civil rights of the parties (Utari & Widya Saputri, 2024).

Judicial authority in execution also requires accountability through legal reasoning. Court actions cannot rely solely on administrative practices or pragmatic considerations, but must be supported by rational and reviewable legal arguments. This requirement is reflected in Law No. 48 of 2009 on Judicial Power, which obliges judges to provide legal grounds and reasoning in judicial decisions. Judicial authority, therefore, must be understood as a juridical authority of the state that derives from constitutional and statutory norms and remains accountable within the framework of legality (Kadir et al., 2025).

However, normative weaknesses remain in the practice of consignment execution. Existing regulations primarily regulate procedural mechanisms of deposit, yet they provide limited guidance regarding the scope of judicial assessment, standards of verification, and the extent of judicial responsibility in ensuring substantive fairness. As a result, the implementation of consignment often emphasizes procedural completion rather than substantive legal protection, creating the potential for legal uncertainty and inconsistent judicial practices.

The limits of legality on judicial discretion are also reflected in Article 10 paragraph (1) of Law No. 48 of 2009 on Judicial Power, which prohibits courts from refusing to adjudicate cases on the grounds that the law is absent or unclear. This provision confirms that judicial discretion remains tied to legal reasoning and legal discovery within the framework of legality (Utari & Widya Saputri, 2024).

Legal certainty constitutes one of the principal objectives of the rule of law and becomes particularly important at the execution stage, where judicial decisions are translated into concrete legal consequences. In the context of consignment, legal certainty requires clarity regarding the legal status of deposited funds, procedural predictability, and certainty concerning the extinguishment or continuation of obligations (Maya et al., 2025)

Normatively, consignment is regulated under Articles 1381 and 1404–1412 of the Indonesian Civil Code, which recognize payment followed by deposit as a lawful mechanism for the fulfillment of obligations. These provisions demonstrate that consignment is intended as a legal solution when payment cannot be directly accepted by the creditor (Nabila, 2023).

Because consignment functions as a middle ground between the interests of debtors and creditors, it is designed to maintain contractual balance and prevent prolonged disputes. For debtors, consignment provides a lawful avenue to fulfill obligations, while for creditors, it preserves the right to receive performance through legally recognized procedures (Lawalata et al., 2021).

Nevertheless, the legal certainty of consignment execution remains problematic in practice. The Civil Code regulates consignment primarily as a mechanism of payment, while procedural rules governing judicial execution remain fragmented across the HIR, RBg, and Supreme Court regulations. This fragmented framework creates uncertainty regarding whether consignment automatically extinguishes obligations or whether further judicial determination is required before legal consequences fully arise.

In addition, the absence of uniform standards regarding verification of rightful recipients, management of deposited funds, and procedures for objections may lead to inconsistent implementation among District Courts. Consequently, legal certainty in consignment execution depends not only on normative provisions, but also on the consistency and accountability of judicial practice (Herliana, 2024)

Consignment functions as a legal mechanism that enables obligations to be fulfilled through court deposit when direct payment cannot be carried out due to refusal or other legally recognized obstacles. Conceptually, consignment does not eliminate the substance of the obligation, but changes the mode of performance into a legally regulated form of fulfillment (Stevani et al., 2024)

The formal character of consignment demonstrates the involvement of the state in ensuring certainty and protection in civil obligations. Articles 1405 and 1406 of the Indonesian Civil Code require formal procedures, including an official offer of payment and formal documentation of refusal and deposit. This formalization is intended to guarantee evidentiary certainty and prevent arbitrary claims by either party. Consequently, consignment serves as a mechanism for stabilizing legal relationships when direct performance becomes impossible (Noho et al., 2024)

In practice, consignment is also relevant in disputes involving compensation and transfer of rights, particularly in land acquisition for public interest. In such contexts, consignment is intended to secure the continuity of legal performance and reduce conflict escalation (Kustiani et al., 2025).

[REVISED – Sharper Critical Perspective]

However, in practice, consignment often shifts from its original function as a mechanism of balanced legal protection into a procedural instrument emphasizing administrative completion. This tendency is particularly visible in land acquisition disputes, where consignment is frequently used to accelerate development projects despite unresolved objections concerning compensation. In such circumstances, the execution of consignment risks prioritizing procedural legality over substantive justice.

Therefore, the authority of the District Court in consignment execution should not be limited to administrative supervision of deposits. The court must also ensure proportionality, verification of rights, protection of affected parties, and fairness in the execution process. In this regard, legal certainty should not merely mean procedural predictability, but also the assurance that judicial execution operates consistently with the principles of justice and balanced legal protection.

The Urgency of District Court Authority in Influencing Legal Certainty in the Execution of Consignment

Consignment execution occupies a strategic position in civil law enforcement because it determines whether the debtor–creditor relationship can truly be terminated through a lawful, authoritative, and legally accountable mechanism. Normatively, the execution of consignment is conducted under the leadership of the Chief Judge of the District Court as stipulated in Article 195 paragraph (1) HIR or Article 206 paragraph (1) RBg, and implemented by the court clerk and bailiff under the supervision of the Chief Judge pursuant to Article 54 paragraph (2) of Law No. 48 of 2009 on Judicial Power.(Gayo, 2022)

This framework shows that consignment execution is not merely an administrative deposit procedure, but a judicial act that determines whether a civil obligation has truly reached its legal termination (*discharge of obligation*). Therefore, any ineffectiveness in execution directly affects the legal finality of the obligation itself.

Legal certainty in consignment is fundamentally linked to the legal status of the obligation after the deposit is made in court. The central issue is whether consignment automatically results in the discharge of obligation or whether additional judicial confirmation is required to validate its legal consequences. This ambiguity creates legal risk, as the debtor may assume that the obligation has ended, while the creditor may still challenge its legal validity.

Accordingly, legal uncertainty in consignment execution directly undermines the certainty of the *discharge of obligation*, since the obligation is not definitively extinguished in practice despite formal compliance with deposit procedures.

Legal certainty requires both normative stability and institutional stability. Normative stability refers to clear and consistent legal rules governing consignment, while institutional stability concerns the court’s ability to apply these rules consistently in

execution practice (Mulya et al., 2025). In consignment execution, both dimensions are essential because uncertainty in either dimension may prevent legal finality.

Judicial authority in consignment execution derives from the court's function to ensure that legal norms are not only declarative but also effectively implemented. Courts not only determine rights and obligations but also ensure their realization through execution mechanisms (Mulya et al., 2025). In consignment cases, this authority includes validating the deposit, determining its legal consequences, and supervising its execution process.

However, the authority of the District Court is not unlimited. The court cannot exceed the boundaries set by procedural law. Its primary role in consignment execution is to ensure procedural compliance and validity of the deposit, rather than continuously intervening in the contractual relationship after the deposit has been made, unless expressly required by law.

This limitation reveals a normative gap, as consignment is intended to provide legal certainty, yet there is insufficient clarity regarding the extent of judicial assessment over its legal consequences. As a result, inconsistent interpretations may arise in judicial practice.

Legal certainty in consignment execution can be divided into declarative certainty and operational certainty. Declarative certainty exists when the court formally recognizes the validity of the deposit. Operational certainty exists when such recognition produces final and irreversible legal consequences in practice.

The main problem lies in operational certainty, where consignment may be declared valid, yet the *discharge of obligation* remains uncertain or still open to dispute in practice (Mulya et al., 2025)

This indicates that consignment has not fully achieved its function as a mechanism for the definitive termination of obligations.

The urgency of strengthening judicial authority in consignment execution lies in ensuring that consignment functions effectively as a mechanism of legal finality. Without adequate judicial control, consignment risks becoming a purely formal procedure without binding legal consequences.

From a legal protection perspective, this weakness affects both parties. The debtor does not obtain legal certainty regarding the termination of obligation, while the creditor may face uncertainty regarding access to the deposited performance (Pratama & Wibawa, 2025). In addition, fragmented regulations and the absence of uniform operational standards further contribute to legal uncertainty in consignment execution (Adiasih et al., 2024)

Thus, the core issue is not general judicial reform, but the lack of an effective and consistent execution mechanism ensuring the legal finality of consignment deposits.

The legitimacy of the judiciary in consignment execution depends on its ability to produce enforceable and effective legal consequences. If consignment remains only a procedural formality without legal finality, judicial legitimacy may be weakened in dispute resolution practice (Ramadhan et al., 2025)

Therefore, the urgency of judicial authority does not lie in expanding judicial power, but in strengthening the court's capacity to ensure that consignment produces final, predictable, and enforceable legal effects.

Furthermore, execution problems are often related to compliance issues by the parties involved, which also affects the effectiveness of consignment execution (Daim et al., 2024; Muslimah & Widodo, 2025). However, within the context of consignment, the primary concern remains the certainty of legal consequences resulting from the deposit as a mechanism of discharge of obligation.

The Ideal Concept of the Authority and Legal Certainty of the District Court

Conceptually, this ideal model can be formulated as an integrated executorial authority based on *reasoned finality*, namely:

The first layer is the strengthening of normative-operational authority through the standardization of prerequisites and legal consequences; the second layer is the strengthening of institutional authority through measurable and accountable execution service standards; and the third layer is the strengthening of effective authority through the principles of effectiveness and non-dependence.

Thus, the ideal model of District Court authority in the execution of equitable consignment can be defined as an integrated executorial authority model based on *reasoned finality*, which operates through the standardization of legal prerequisites and consequences, the strengthening of institutional capacity and execution service standards, and the enhancement of effectiveness that is not constrained by dependency on external variables.

This model produces protected operational certainty, because finality is understood as a predictable and verifiable closure of legal status, while the protection of rights is ensured through due process, fair access, proportionality, and accountability of reasoning. This formulation of the ideal model serves as a logical bridge to the recommendation section, as each recommendation should be directly derived from the gap between the current practice and the ideal model oriented toward finality, effectiveness, and social justice.

Based on the ideal model, several recommendations emerge, namely:

The first recommendation is aimed at addressing normative uncertainty arising from the fragmentation of the consignment regulatory regime; the second recommendation is directed at the core problem of operational uncertainty, namely the absence of a procedural point of status finality that can be verified; the third recommendation targets administrative obstacles that most frequently delay consignment execution, namely the verification of entitled parties and document completeness; the fourth recommendation addresses temporal uncertainty arising from the absence of a binding timeframe framework at various stages of consignment execution.

The fifth recommendation responds to weaknesses in summons and notification procedures that often cause stagnation, particularly when addresses are unclear, parties are unknown, or there is relocation of domicile. The sixth recommendation is directed at issues in the management of consigned objects as deposits that may trigger further disputes if governance is not properly regulated. The seventh recommendation addresses dependency problems on external actors, which shift the court from a

determining authority to a dependent authority. The eighth recommendation targets the weak coercive power of execution when faced with non-compliance or obstructive actions, thereby reducing the binding force of judgments or determinations.

The ninth recommendation concerns the structuring of the relationship between voluntary consignment applications and contentious disputes over rights. The tenth recommendation concludes the overall strengthening agenda by improving reasoned accountability and transparency in the execution process.

CONCLUSIONS

The nature of the authority and legal certainty of the District Court in the execution of equitable consignment is normative, limited, and purpose-oriented authority based on the principle of legality. This authority is exercised under statutory regulations and requires argumentative accountability to ensure that every judicial action remains lawful, rational, and aligned with justice and legal certainty. In this context, legal certainty is not only produced through normative declarations but also through the court's ability to ensure the effective execution of consignment as a lawful mechanism for terminating obligations.

The urgency of the District Court's authority significantly influences legal certainty in consignment execution, as legal certainty at the execution stage depends on the court's institutional capacity to transform declarative decisions into effective and final legal consequences. Weak execution mechanisms may result in delays, uncertainty, and reduced legal protection for the parties. Therefore, strengthening judicial authority is essential to ensure that consignment functions as a definitive mechanism for resolving legal obligations.

The ideal concept of judicial authority and legal certainty in consignment execution is an integrated executorial authority based on *reasoned finality*. This model requires standardized legal norms, strong institutional capacity with accountable procedures, and effective enforcement mechanisms that are not dependent on external constraints. Through this model, legal certainty is achieved when consignment execution becomes final, predictable, and verifiable, while still ensuring fair protection of the rights of both parties.

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