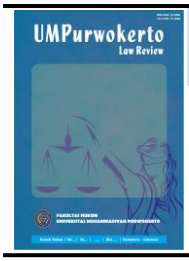

UMPurwokerto Law Review

Faculty of Law – Universitas Muhammadiyah Purwokerto
Vol. 2 No. 2, August 2021

Forced Efforts in the Execution of Decisions of the State Administrative Court

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Abstract
The State Administrative Court is the executor of judicial power assigned to examine, decide and resolve State Administrative disputes. This research has two problems: forced attempts to execute the state administrative court's verdict and the obstacles in implementing these forced attempts. The research method is normative legal research called normative juridical research or doctrinal research that looks at the law's objectives, the values of justice, the validity of the rule of law, the law's concept, and legal norms. The implementation of forced efforts against The State Administrative Court decision under Article 116 paragraph (4) of Law Number 51 of 2009 can be applied in executing the State Administrative Court's decision. Institution for forced efforts consists of forced money, administrative sanctions, and announcements/publications important in the effort to force lies in State Administrative Officials' awareness to voluntarily comply with the State Administrative Court's decisions.

Keywords: forced effort; execution, court decision

Abstrak
Pengadilan Tata Usaha Negara merupakan pelaksana kekuasaan kehakiman yang ditugaskan untuk memeriksa, memutus, dan menyelesaikan sengketa Tata Usaha Negara. Ada dua masalah dalam penelitian ini yaitu bentuk upaya paksa dalam eksekusi putusan pengadilan tata usaha negara dan apa saja hambatan dalam pelaksanaan upaya paksa tersebut. Metode penelitian adalah penelitian hukum normatif disebut penelitian yuridis normatif atau penelitian doktrinal yang melihat tujuan hukum, nilai-nilai keadilan, validitas aturan hukum, konsep hukum, dan norma hukum. Pelaksanaan upaya paksa terhadap putusan PTUN sesuai ketentuan pada Pasal 116 ayat (4) UU Nomor 51 Tahun 2009 dapat diterapkan dalam eksekusi putusan Pengadilan Tata Usaha Negara. Lembaga upaya paksa terdiri dari uang paksa, sanksi administratif dan pengumuman/publikasi. Hal yang penting dalam upaya paksa terletak pada kesadaran Pejabat Tata Usaha Negara untuk sukarela mematuhi putusan Pengadilan Tata Usaha Negara.

Kata Kunci: *upaya paksa; eksekusi, putusan pengadilan*

I. Introduction

The principle of having a State Administrative Court to place judicial control in good governance becomes a bias in the Indonesian constitutional system. If a State Administrative Court (*Pengadilan Tata Usaha Negara*, PTUN) does not have executive power, how can the law and the public supervise the government's running which State Administration officials carry out? Supandi also stated non-compliance of State Administrative Bodies or Officials in implementing the State Administrative Court's decisions in his dissertation research. Implementation of governance and development.[1]

Law enforcement efforts mean an effort to maintain a law that is recognized in a society to be upheld. These efforts must ensure that every citizen obeys the applicable laws in the society concerned. Law enforcement is a process to bring legal desires into reality. What is

[1] Supandi, "*Kepatuhan Pejabat Dalam Menaati Putusan Pengadilan Tata Usaha Negara*", (Disertasi Program Pascasarjana Universitas Sumatera Utara; Medan), 2005, 266.

referred to as the lawmaking bodies' wishes here is none other than the lawmaking bodies' thoughts, which are formulated in legal regulations so that law enforcement and lawmaking cannot be separated.[2]

Through the PTUN, the community can sue the authorities and get corrective action from the PTUN.[3] The State Administrative Court, or what is known as PTUN, protects the people with guarantees that can be obtained according to laws and regulations. The State Administrative Court is the executor of judicial power assigned to examine, decide, and resolve such disputes and will deal with State Administrative Bodies or Officials with or civil legal entities, as a result of the issuance of a State Administration decision which is deemed to violate the rights of a person or a civil legal entity.

II. Research Problems

Based on the problems above, the following problems can be formulated: How are forced efforts to execute the state administrative court's verdict?

III. Research Methods

The research method is a procedure or way of obtaining correct or truthful knowledge through systematic steps.[4] The research method used is a normative legal research method, also known as normative juridical research, or it can also be called doctrinal research, which looks at the objectives of the law, the values of justice, the validity of legal rules, legal concepts, and legal norms.[5] Data sources in research are secondary data derived from library research through laws and regulations, literature, books, and official documents.

IV. Research Results and Discussion

The execution mechanism regulated in Law Number 51 of 2009 if The State Administrative Court's decision contains the obligation to revoke the State Administrative Decree to the Defendant, the execution of the decision according to the provisions of Article 116 paragraph (2) of Law Number 51 of 2009, namely 60 (sixty) working days after the court decision which has obtained permanent legal force as referred to in article 116 paragraph (1) is received. Defendant does not carry out his obligations, and the disputed State Administrative Decree no longer has legal force.

Article 116 paragraph (4) of Law Number 51 of 2009 states forced efforts in forced payments and administrative sanctions. This article states that if Defendant is unwilling to enforce a court decision that has obtained permanent legal force, the official concerned is subject to forced attempts in the form of forced payment of money and/or administrative sanctions. The purpose of this provision is that the official concerned is subject to forced money.

However, the regulation regarding the execution appears legal implications that hinder the settlement of state administrative disputes. One of the implications is that the regulation regarding forced money is still unclear, where it does not regulate the amount of forced money to be paid, against whom the forced money is charged, and where the source of financing is when it is charged to the government agency or government agency of the TUN official even though there is PP. No. 43 of 1991 and Decree of the Minister of Finance of the Republic of Indonesia No. 1129 / KM.01 / 1991 concerning Compensation and Procedures for Its Implementation in State Administrative Courts, but it is a rubber article because it is possible to be postponed for several fiscal years.

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[2] Satjipto Rahardjo, *Masalah Penegakan Hukum Suatu Tinjauan Sosiologis* (Bandung: Sinar Baru Bandung. 2016), 23.
[3] Prajudi Atmosudirjo, *Hukum Administrasi Negara* (Jakarta: Ghalia Indonesia. 1981), 22.
[4] Soerjono Soekanto dan Sri Mamudji, Penelitian Hukum Normatif Suatu Tinjauan Singkat (Jakarta: Raja Grafindo Persada. 1995), 12.
[5] Peter Mahmud Marzuki. *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group. 2007), 14.

According to Marcel Stome[6], forced money (*dwangsom/astreinte*) is an additional penalty for the debtor to pay a certain amount of money to the debtor. He argued:

> *"De dwangsom is een bijkomende veroordeling van de schuldenaar om aan de schuldeiser een geldsom te betalen voor het geval dat de schuldenaar niet aan de hoofdveroordeling voldoet, welke bijkomende veroordeling er toe strekt om op de schuldenaar drukuit te oefenen opdat hij de tegen hem uitgesproken hoofdveroordeling zal nakomen."*
>
> (Compulsory money (*dwangsom/ astreinte*) is an additional penalty for the debtor to pay an amount of money to the debtor if the debtor does not fulfill the necessary penalty. Which additional penalty is intended to pressure the debtor to fulfill the essential sentence verdict).

In line with Marcel Stome, H. Oudelar defined forced money (*dwangsom/astreinte*) as "an amount of money determined by a judge charged to the convicted person based on a judge's decision in a situation where he did not fulfill an introductory sentence. Meanwhile, by providing limits, P.A. Stein states that forced money (*dwangsom/astreinte*) is an amount of money stipulated in the verdict. The sentence is handed over to the plaintiff if or at any time the convicted person does not carry out the sentence. Forced money is stipulated in a nominal value, either in the form of an amount of forced money at once or for each period or every violation.[7]

Normatively, the meaning of forced money (*dwangsom/astreinte*) as regulated in Article 611a paragraph (1) *Netherlands Burgerlijke Rechtsvordering* (RV) is:

> *"De rechter kan op vordering van een der partijen de wederpartij veroordelen tot betaling van een geldsom, dwangsom genaamd, voor het geval dat aan de hoofdveroordeling niet wordt voldaan, onverminderd het recht op schadevergoeding indien daartoe gronden zijn. Een dwangsom kan echter niet worden opgelegd in geval van een veroordeling tot betaling van een geldsom."*
>
> (Upon the demands of one party, the judge may sentence the other party to pay a sum of money called forced money if the necessary sentence is not carried out without reducing the right to compensation. A *dwangsom* cannot be imposed unless the penalty is for payment of a sum of money).

Based on the definition of forced money (*dwangsom/astreinte*) above, Lilik Muliyadi argues about the nature of forced money (*dwangsom/astreinte*) as follows: [8]

a. *Accesoir*, which means that the existence of forced money depends on the preceding sentence. Thus, a dwangsom cannot exist if there is no necessary penalty in a decision.
b. *Pressie Middle*, which means an effort (psychologically) so that the convicted person would obey or carry out the preceding sentence. So, forced money is an indirect means of execution.

So forced money is an additional penalty and the necessary penalty to pressure someone who is obliged to carry out a condemnatory court decision to comply with the court decision by not aborting the necessary sentence. Apart from the imposition of forced money, the bodies or officials who are the defendants are subject to administrative sanctions. Administrative Law Sanctions, according to JBJM ten Berge, "sanctions are at the core of administrative law enforcement. Sanctions are needed to ensure the enforcement of administrative law". According to P de Haan et al., administrative sanctions apply to a governmental authority, where this

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[6] Bambang Heriyanto. *Dwangsom Dalam Putusan Hakim Peradilan Tata Usaha Negara (Suatu Gagasan)* (Jakarta: Grafindo. 2004), 30.

[7] Mohammad Afifudin Soleh. Eksekusi Terhadap Putusan Pengadilan Tata Usaha Negara Yang Berkekuatan Hukum Tetap. *Mimbar Keadilan Jurnal Ilmu Hukum*. Februari (2018): 18-37.

[8] Lilik Mulyadi. Putusan Hakim dalam Hukum Acara Pidana (Bandung: PT. Citra Aditya Bakti. 2007), 86.

authority comes from written and unwritten administrative law rules. J.J. Oosternbrink argues, "administrative sanctions are sanctions that arise from the relationship between the government-citizens and which are implemented without third party intermediaries (judicial powers), but can be directly implemented by the administration itself." [9]

Types of Administrative Sanctions can be seen from the point of view of their goals, namely reparatory sanctions, which means sanctions that are applied as a reaction to violating norms. To return to their original condition before the occurrence of violations, for example, *bestuursdwang, dwangsom*, punitive sanctions means sanctions aimed at punishing someone, for example, is in the form of administrative fines. In contrast, Regressive Sanctions are applied in response to non-compliance with the provisions in the decrees issued. In the field of staffing, administrative sanctions are the authority of a superior official. There is a difference in understanding between authority and authority. "Authority" is what is called "formal power," power that comes from the power given by law or legislative from the executive or administrative power, which is the power of a specific group of people or power over a field of government or unanimous government affairs. "Authority" is only about a certain "*onderdeal*" of authority[10]. The use of the term authority and authority, according to Prajudi, is the need to distinguish between authority (competence, *bevoegheid*) authority (authority, *gezag*). However, in practice, differences are not always necessary. What authority is called formal power, which comes from legislative power (given by law)? -Act) or from executive administrative powers.[11]

Juridically, according to Indroharto, the definition of authority is "the ability given by laws and regulations to cause legal consequences."[12] According to Herbert A. Simon, authority is the power to make decisions related to superiors/leaders and subordinates' relationships.[13] With this provision, the authority to implement decisions in the judiciary's hands is returned to the executive (administrative) power. Thus the inclusion of administrative sanctions in article 116 paragraph (4) weakens the essence of the coercive measures required by this article, followed by an unclear mechanism until now. So, it is possible that the superior who will impose the administrative sanction is not aware of the decision or does not want to impose an administrative sanction.

With various legal implications arising from these arrangements, the resolution of state administrative disputes is not sufficient. Because in several cases, many officials have dared to press judges subtly in the media by implying a warning about the order or decision of the case, which is deemed dangerous to society's stability or politics. It shows that political considerations can influence some decisions.[14]

The concept/model for the application of administrative sanctions in the decision of a convincing State Administration case to guarantee legal certainty for the plaintiff is: [15]

a. There is a legal basis for the State Administrative Court to include administrative sanctions in the verdict.

   For the judicial function and the supervisory function by the PTUN to be under the Government Administration Law, it is necessary to formulate a new law regarding PTUN. Such harmonization efforts need to be carried out to provide legal certainty for the community.[16]

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9 Edi Pranoto. *Sanksi Hukum Administrasi*. Semarang, Mei (2011), 1.

10 Puslitbang Hukum Dan Peradilan Badan Litbang Kumdil Mahkamah Agung RI, *Eksekutabilitas Putusan Peradilan Tata Usaha Negara*, Laporan Penelitian Balitbang Pendidikan dan Pelatihan Hukum dan Peradilan Mahkamah Agung RI, Jakarta, 2010, 7.

11 Admosudirjo Prayudi, *Hukum Administrasi Negara*, Edisi Revisi Ilmu Administrasi (Jakarta : Ghalia Indonesia, 1995).

12 Indroharto, Usaha Memahami Undang-undang tentang Peradilan Tata Usaha Negara, Buku 1 Beberapa Pengertian Dasar Hukum Tata Usaha Negara, (Jakarta : Sinar Harapan, 1996), 154.

13 Harbet A. Simon, *Prilaku Administras*i (Terjemahan), (Jakarta : Bina Aksara, 1984), 128.

14 Adriaan W Bedner. *Peradilan Tata Usaha Negara di Indonesia* (Jakarta: Hu-Ma, 2010), 1.

15 Kusmawardi dkk. "Penerapan Sanksi Administratif Dalam Putusan Perkara Tata Usaha Negara Di Pengadilan Tata Usaha Negara Semarang". *Jurnal Law Reform*. Volume 14 Nomor 1 Tahun (2018): 104-115.

16 Aju Putrijanti, Lapon T Leonard dan Kartika Widya Utama. "Model Fungsi Pengawasan Oleh Pengadilan Tata UsahaNegara Sebagai Upaya Menuju Tata Kelola Pemerintahan yang Baik". *Jurnal MIMBAR HUKUM*,Vol.29 No.2, (Juni 2017): 1-20.

b. Revise Article 116 paragraph 4 of Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Courts.
c. There needs to be a clear commitment from the State Administration Agency or Official and the Supervisor of the State Administrative Agency or Official in the process of a State Administrative Court decision that has permanent legal force.
d. There is a need for oversight of the implementation of the State Administrative Court's decision by providing a time limit for the Defendant to carry out the contents of the decision, which has permanent legal force after the Chairman has made a summons of the State Administrative Court.

Implementation of Forced Efforts Against Decisions of state administrative courts that have permanent legal force (*in kracht van gewijsde*) are binding on all people (*erga omnes*) like the strength of statutory regulations, and this is what distinguishes them from general court decisions in civil cases which only bind the parties who have litigation (*inter partes*). Besides, the state administrative court's decision, which has permanent legal force (in kracht van gewijsde), also has binding power that must be obeyed and implemented by the party charged with the obligations condemnatory decision. The state administrative court's decision, which has permanent legal force (in kracht van gewijsde), has executorial power so that anyone charged with an obligation (condemnatory decision) must carry it out, either voluntarily or by force.[17]

The implementation of a decision is often referred to as execution, in which case execution is the implementation of a court decision that has permanent legal force (*inkracht van gewijsde*). Matters related to execution are the cancellation of the Decree followed by rehabilitation, administrative sanctions, and execution of a decision to pay a sum of money (*dwangsom*). There are three forms of execution in the State Administrative Court, namely:

a. Automatic Execution
b. Hierarchical Execution
c. Force Effort Execution

Execution in Article 116 paragraph (4) of Law Number 51 of 2009 contains forced attempts in the form of forced payments and administrative sanctions. This article states that if Defendant is unwilling to implement a court decision that has obtained permanent legal force, the official concerned is subject to forced attempts in the form of a forced payment and/ or administrative sanctions.

Although the revision of the provisions of Article 116 is progress in developing legal certainty for the implementation (*executie*) of a decision of a state administrative court, the problems that arise in the case of forced payments (*dwangsom*) are as follows:[18]

a. There is a need for a legal product that regulates the procedures and mechanisms for paying forced money (*dwangsom*) as well as Government Regulation Number 43 of 1991 concerning Compensation Payment in State Administrative Courts;
b. When can be determined the amount of forced money (*dwangsom*) to be paid; dan
c. Against whom the forced money should be charged, whether on the finances of the state administration officials concerned or on private officials who are reluctant to carry out the verdict.

This execution's mechanism or procedure is regulated in Articles 116 to 119 of the Administrative Court Law. As stated in the previous section, with the issuance of Law Number 51 of 2009, namely the Second Amendment of Law Number 5 of 1986 concerning State Administrative Courts, the State Administrative Courts' decisions have executable power. Due to sanctions in the form of dwangsom and administrative sanctions and publications for agencies or State Administration officials (defendants) who do not want to implement the Administrative Court's decision.

Furthermore, Article 116 of Law Number 51 of 2009 concerning State Administrative Courts states the execution procedure at the Administrative Court, as follows:

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[17] Mohammad Afifudin Soleh. Eksekusi Terhadap Putusan Pengadilan Tata Usaha Negara Yang Berkekuatan Hukum Tetap. *Mimbar Keadilan Jurnal Ilmu Hukum* (Februari 2018): 25.
[18] Paulus Efendi Lotulung. Hukum Tata Usaha Negara Dan Kekuasaan. (Jakarta: Salemba Humanika, 2013), 50.

a. A copy of the court decision that has obtained permanent legal force is sent to the parties by registered letter by the local court clerk on the court's head, who will try him in the first instance within 14 days.
b. If four months after the court decision which has obtained permanent legal force as referred to in paragraph (1) is sent, the Defendant does not carry out his obligations as referred to in Article 97 paragraph (9) letter a, the disputed decision will no longer have legal force.
c. If it is determined that Defendant must carry out his obligations as referred to in Article 97 paragraph (9) letters b and c, and then after three months it turns out that these obligations have not been fulfilled, the plaintiff submits an application to the Chairman of the court as referred to in paragraph (1) so that the court orders the Defendant. Enforce the court's decision.
d. If Defendant is unwilling to carry out a court decision that has obtained permanent legal force, the official concerned is subject to forced attempts in the form of payment of forced money and/or administrative sanctions.
e. Officials who do not carry out the court decision as referred to in paragraph (4) shall be announced in the clerk's local print media since the provisions as referred to in paragraph (3) are not fulfilled.

Based on the provisions of Article 116 above, there are two types of executions that we are familiar with in the State Administrative Court: [19]

a. Execution of a court decision containing the obligations referred to in Article 97 paragraph (9) letter is the obligation to revoke the State Administrative Court concerned.
b. Execution of court decisions containing the obligations as referred to in Article 97 (9) letter b and letter c, namely:
   b. revocation of the relevant state administrative decisions and issuing new state administrative decisions; or
   c. the issuance of state administrative decisions in a lawsuit is based on Article 3.

Furthermore, Lotulung explained that if there is the first type of execution, the provisions of Article 116 paragraph (2) shall be applied. Namely, four months after the court decision that has obtained permanent legal force as referred to in paragraph (1) is sent, Defendant does not carry out his obligations and disputes it has no legal force anymore. Thus there is no need for other actions or efforts from the court, for example, warning letters and so on. Because the state administrative decisions (state administrative decisions) will automatically lose their legal power, this execution method is called automatic execution.

Conversely, if there is a second type of execution, the provisions of Article 116 paragraph (3) to paragraph (6) shall be applied, namely utilizing an order from the head of the court addressed to the relevant State Administration official to execute the court decision. If not obeyed, the head of the court will submit this matter to the superior agency of the State Administration official according to the level of office, which can be passed up to the President as the holder of the highest governmental power to order the State Administration official to implement the court's decision. This method of execution is called hierarchical execution.

After 3 (three) months, it turns out that the obligation is not fulfilled, then the action that the plaintiff can take is to submit a request to the Chairman of the State Administrative Court (first level) so that the court orders the Defendant to implement the court's decision.

Based on Law Number 5 of 1986 (before the revision), if Defendant still does not want to carry out these obligations, the Chairman of the Court submits this to his superior institution according to the office level. The superior agency concerned within 2 (two) months after receiving the notification and the Chief Justice must have ordered the official (Defendant) to implement the court's decision. If the superior agency does not heed the provisions mentioned earlier, the Chairman of the Court shall submit this matter to the President as the holder of the highest government power to order the official to implement the court's decision.

[19] Tjandra W. Riawan. Teori dan Praktik Peradilan Tata Usaha Negara, Edisi Revisi. (Yogyakarta: Cahaya Atma Pustaka. 2011), 30.

After the revision was made through Law Number 9 of 2004, there was a change in the court decision's implementation. Article 116 paragraph (4) of Law Number 9 of 2004 states that if the Defendant is not willing to carry out a court decision that has obtained permanent legal force, the official concerned will be subject to forced attempts in the form of payment of an amount of forced money and/or administrative sanctions. Besides, apart from those stipulated in Article 116 paragraph (4), in paragraph (5) the revision states that officials who do not implement court decisions are announced in the local printed mass media by the Registrar since the failure to fulfill the provisions referred to in paragraph (3).

However, the State Administrative Court's execution emphasizes the principle of self-respect and legal awareness of the State Administration officials regarding the content of the judge's decision to voluntarily carry it out without any direct coercion that can be felt and imposed by the court against the State Administration official concerned.[20]

In the practice of implementing the execution of forced attempts in the process of State Administrative Courts, it is still deemed ineffective. Only the provisions of Article 116 paragraph (2) of Law number 51 of 2009 are adequate, namely if the Defendant determines the obligations as referred to in Article 97 paragraph (9) letter a, after 60 (sixty) working days since the court decision has legal force. Received and the Defendant did not carry out its obligations, the disputed State Administration Decree no longer has legal force. Simultaneously, other mechanisms are ineffective because it again depends on the State Administrative Officials' awareness to voluntarily and fully comply with the law to comply with the State Administrative Court's decisions.

If state administration officials who do not want to carry out the obligations voluntarily stated in the decision to involve the President often occur, this will indirectly reduce the authority of a president who is the head of government and head of state as well as the mandate of the People's Consultative Assembly. [21] Efforts can be made in criminal and civil attempts to maximize the regulation's effectiveness regarding the execution of the PTUN decision, Obstacles in Implementing Efforts based on the provisions of Article 116 Law Number 51 of 2009 concerning State Administrative Courts, the execution of decisions of the State Administrative Court is often hampered due to several things, which include:

a. Verdict;
b. Administrative Officials who cause obstacles in executing decisions are Regional Heads whose positions are Political Officials;
c. Obstacles in executing decisions are caused by the State Administrative Officials being sued because they accept the quasi delegation's authority.[22]

There are several obstacles faced by the State Administrative Court in its journey to achieve a clean and authoritative government, namely one, the absence of a unique executorial institution or sanction agency in implementing the decisions of the State Administrative Court, the low awareness of State Administration officials in obeying the Administrative Court decisions. State, and the absence of more detailed provisions regulating sanctions if the decision is not implemented.[23]

a. There is no unique executorial agency or sanction agency that functions to carry out decisions.

   PTUN is the only judiciary in Indonesia's justice system (out of the four neighborhoods) that does not have a forced institution. The General Court has a forced institution, namely the real execution by the Registrar under the leadership of the Chief Justice for civil cases (Articles 195 to Article 208 HIR and Article 1033 Rv), and there are prosecutors as executors of criminal decisions (Article 270 KUHAP). In a military court, military prosecutors are obliged to execute the decisions of military judges. According to the provisions of articles 95,

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[20] Lubna. "Upaya Paksa Pelaksanaan Putusan Pengadilan Tata Usaha Negara dalam Memberikan Perlindungan Hukum Kepada Masyarakat". *Jurnal IUS* Vol III Nomor 7 (April 2015), 168.

[21] Rozali H Abdullah, Hukum Acara Peradilan Tata Usaha Negara.(Jakarta: PT Raja Grafindo Persada. 1991), 45.

[22] Dewanthara dan Mertha. "Upaya Paksa dalam Peradilan Tata Usaha Negara". *Makalah Bagian Hukum Acara/ Peradilan*. Denpasar: Universitas Udayana (2010): 1-5.

[23] Lubna. *Op. Cit, 170.*

98, and 103 of Law Number 7 of 1989, the Religious Courts have also been able to carry out forcibly (Execution) of their decisions and decisions, including carrying out all forms of confiscation (*beslag*). [24]

b. The low level of awareness of state administration officials to comply with the state administrative court decision.

State Administrative Officials often do not obey the law, because usually, someone obeys the law because afraid of the sanctions they will be imposed if that person violates the law or feel that their interests will be guaranteed if they obey the law, or feel that the applicable law is under the values that apply in him. In this case, the party who loses in the dispute will certainly feel that his interests are not guaranteed if he obeys the State Administrative Court's decision, so he prefers not to comply with the court's decision. The absence of sanctions also makes State Administration officials feel afraid if they do not carry out the court's decision.

c. There is no stricter regulation regarding the implementation of the decision of the State Administrative Court.

Provisions regarding the execution of the decision of the State Administrative Court have been contained in article 116 of Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 of 2009, which states that the court can ask the superior of the State Administration official concerned. Alternatively, even the President to "force" the Defendant to implement the court's decision. Of course, this is not allowed to happen too because if the President intervenes too often to enforce the State administrative Court decision, it is feared that the President will lose his authority as head of the government.

V. Conclusions

The implementation of coercive measures against the State Administrative Court's decision under the provisions in Article 116 paragraph (4) of Law Number 51 of 2009 can be applied in the execution of decisions in the State Administrative Court. Statutory regulations shall regulate the amount of forced money, types of administrative sanctions, and procedures for implementing forced payments and/or administrative sanctions. Thus, judges are bound to impose sanctions on forced payments and/or administrative sanctions. The State Administrative Officials' awareness is required to comply with the State Administrative Court's decisions voluntarily.

VI. Suggestions

It is necessary to make amendments to Article 116 of the Law on State Administrative Courts by including provisions regarding mutatis mutandis enforcement of civil procedural law in the case of forced payments (*dwangsom*) is necessary to add articles on contempt of court to ensure the obedience of the state administrative officials to court decisions is increased.

References

Abdullah, Rozali H. *Hukum Acara Peradilan Tata Usaha Negara*. Jakarta: PT Raja Grafindo Persada, 1991.

Atmosudirjo, Prajudi. *Hukum Administrasi Negara*. Jakarta: Ghalia Indonesia, 1981.

Bedner, Adriaan W. *Peradilan Tata Usaha Negara di Indonesia*. Jakarta: Hu-Ma. 2010.

Dewanthara dan Mertha. "Upaya Paksa dalam Peradilan Tata Usaha Negara". *Makalah Bagian Hukum Acara/ Peradilan*. Denpasar: Universitas Udayana, 2010.

[24] Roihan A Rasyid. *Hukum Acara Peradilan Agama.* (Jakarta: Raja Grafindo Persada. 2001), 2.

Dewanthara, Pranita Intan Made Ni dan I Ketut Mertha. *Upaya Paksa Dalam Peradilan Tata Usaha Negara.2018*

Harahap, Zairin. *Hukum Acara peradilan Tata Usaha Negara*. Jakarta: Raja Grafindo Persada. 2005.

Heriyanto, Bambang. *Dwangsom Dalam Putusan Hakim Peradilan Tata Usaha Negara (Suatu Gagasan)*. Jakarta. 2004.

Indroharto, *Usaha Memahami Undang-undang tentang Peradilan Tata Usaha Negara, Buku 1 Beberapa Pengertian Dasar Hukum Tata Usaha Negara*. Jakarta : Sinar Harapan, 1996.

Kusmawardi dkk. "Penerapan Sanksi Administratif Dalam Putusan Perkara Tata Usaha Negara Di Pengadilan Tata Usaha Negara Semarang". *Jurnal Law Reform*. Volume 14 Nomor 1 (2018): 104- 114.

Lotulung, Paulus Efendi. *Hukum Tata Usaha Negara Dan Kekuasaan*. Jakarta: Salemba Humanika. 2013.

Lubna. "Upaya Paksa Pelaksanaan Putusan Pengadilan Tata Usaha Negara dalam Memberikan Perlindungan Hukum Kepada Masyarakat". *Jurnal IUS* Vol III Nomor 7 (April 2015): 159-172.

Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2007.

Mulyadi, Lilik. *Putusan Hakim dalam Hukum Acara Pidana*. Bandung: PT. Citra Adtya Bakti. 2007.

Pranoto, Edi. *Sanksi Hukum Administrasi*. Semarang, Mei 2011.

Puslitbang Hukum Dan Peradilan Badan Litbang Kumdil Mahkamah Agung RI, *Eksekutabilitas Putusan Peradilan Tata Usaha Negara*. Laporan Penelitian Balitbang Pendidikan dan Pelatihan Hukum dan Peradilan Mahkamah Agung RI, Jakarta, 2010.

Putrijanti, Aju, Lapon T Leonard dan Kartika Widya Utama. "Model Fungsi Pengawasan Oleh Pengadilan Tata Usaha Negara Sebagai Upaya Menuju Tata Kelola Pemerintahan yang Baik". *Jurnal MIMBAR HUKUM*,Vol.29 No.2, (Juni 2017): 263- 275.

Rahardjo, Satjipto. *Masalah Penegakan Hukum, Suatu Tinjauan Sosiologis*. Bandung: Sinar Baru Bandung, 2016.

Rani, Uwaisyah. "Urgensi Upaya Paksa dalam Pelaksanaan Putusan Pengadilan Tata Usaha Negara". *JOM Fakultas Hukum* Volume I Nomor 2 (Oktober 2014).

Rasyid, Roihan A. *Hukum Acara Peradilan Agama*. Jakarta: Raja Grafindo Persada, 2001.

Sari, Putri Kemala. "Penerapan Upaya Paksa dalam Eksekusi Putusan Pengadilan Tata Usaha Negara Kepadapejabat Tata Usaha Negara". *Jurnal Ius Civile,* Vol. 1 No. 1 (2017): 22- 35.

Seno, Oemar Aji dan Wahjono, Padmo. *Indonesia Negara Berdasarkan Atas Hukum*. Jakarta: Ghalia Indonesia, 1986.

Simon, Harbet A. *Prilaku Administras*i (Terjemahan). Jakarta : Bina Aksara, 1984.

Soekanto, Soerjono dan Sri Mamudji. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada, 1995.

Soleh, Mohammad Afifudin. Eksekusi Terhadap Putusan Pengadilan Tata Usaha Negara Yang Berkekuatan Hukum Tetap. *Mimbar Keadilan Jurnal Ilmu Hukum*. Februari (2018): 18-37.

Suhariyanto, Budi. "*Urgensi Kriminalisasi Contempt of Court untuk Efektivitas Pelaksanaan Putusan Peradilan Tata Usaha Negara. Urgensi Kriminalisasi Contempt of Court untuk Efektivitas Pelaksanaan Putusan Peradilan Tata Usaha Negara*". 2019.

Supandi, "*Kepatuhan Pejabat Dalam Menaati Putusan Pengadilan Tata Usaha Negara*", (Disertasi Program Pascasarjana Universitas Sumatera Utara; Medan), 2005, 266.

Tjandra, W. Riawan. *Teori dan Praktik Peradilan Tata Usaha Negara, Edisi Revisi*. Yogyakarta: Cahaya Atma Pustaka, 2011.