

## Authority of Administrative Court in Establishing Administrative Sanctions for Local Government Officials Who Do Not Implement Administrative Court Verdict

Bima Saputra<sup>1</sup>, Shinta Hadiyantina<sup>2</sup>, Riana Susmayanti<sup>3</sup>

Faculty of Law, Universitas Brawijaya, Indonesia<sup>123</sup>

Corresponding author: bimasaputra@student.ub.ac.id

### ABSTRACT

This study is motivated by the lack of adherence among local government officials in executing decisions issued by the Administrative Court (PTUN). Furthermore, there is a legal inconsistency between Law Number 51 of 2009, which amends Law Number 5 of 1986 on Administrative Courts, and Law Number 30 of 2014 on Government Administration. This discrepancy concerns the sanction mechanisms for government officials who disregard PTUN rulings, potentially leading to ineffective enforcement. The research aims to examine the existing administrative sanction regulations and develop an optimal sanction framework for local government officials who fail to comply with PTUN decisions. Utilizing a normative approach, the findings reveal two distinct methods for enforcing administrative sanctions. Consequently, the author advocates for regulatory reform by redefining Administrative Court authority, enabling it to impose administrative sanctions on non-compliant officials. This adjustment is intended to reinforce the principle of separation of powers and ensure legal certainty.

### Keywords:

Administrative Court, Administrative Sanctions, Local Government Officials.

### INTRODUCTION

The concept of the rule of law implies that every aspect of national and state life must be governed by legal regulations (Ashidiqie, 2011). Indonesia's rule of law is founded on Pancasila as the state ideology, emphasizing two key principles: kinship and harmony. This approach prioritizes the people's interests in nation-building while upholding human dignity. In the Explanation of the 1945 Constitution, it is stated that Indonesia is a rule of law state with the characteristics of a Rechtsstaat (Susmayanti, 2023). One of the features of a Rechtsstaat is the existence of an administrative court. Article 24 paragraph 2 of the 1945 Constitution regulates state administrative courts, namely

*"Judicial power shall be exercised by a Supreme Court and the judicial bodies subordinate thereto within the general judiciary, the religious judiciary, the military judiciary, the state administrative judiciary, and by a Constitutional Court".*

Regulation of the Administrative Court (PTUN) is established through Law Number 5 of 1986 on State Administrative Courts (Peratun Law) and its amendment, Law Number 51 of 2009, which serves as the Second Amendment to the original legislation. The existence of PTUN is a control effort carried out institutionally or by authority over the verdict of government officials, both central and local governments (Dani, 2015). In addition, Law No. 30/2014 on Government Administration (hereinafter referred to as the AP Law) expands the material law on the Administrative Court even though the formal law has been specifically regulated in the Peratun Law. The end of a dispute filed at the PTUN is a PTUN decision that must be implemented. However, the existing conditions or legal culture aspects that occur are that many PTUN

decisions cannot be executed. This happens because the factual execution or implementation of PTUN decisions based on coercive instruments still has several obstacles that have not been regulated by written assurance related to the "coercion model".

The successful enforcement of PTUN verdicts relies on the awareness and responsibility of government officials in fulfilling their duties. In addition, basically government officials do not have the intention to execute court verdict considering the pattern of execution that leads to coercion in Article 116 of the Peratun Law which has not been optimal in its implementation. This situation is further supported by data obtained from the Monitoring of State Administration Execution by the Directorate General of Military and Administrative Justice of the Supreme Court. In 2024, out of 118 cases submitted for execution to the State Administrative Court in various provinces across Indonesia, 20 cases involved local government officials as respondents (Supreme Court, 2024). These cases have yet to be executed, with the following details. :

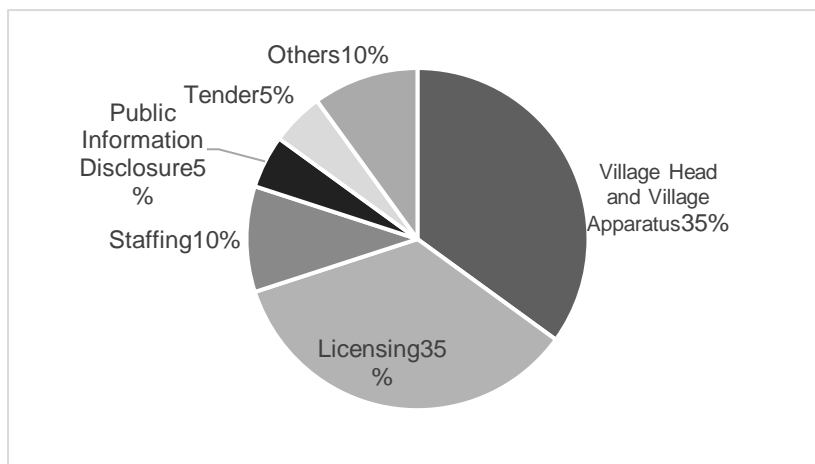


Figure 1 : Monitoring and Evaluation Data on the Execution of State Administrative Court Decisions in 2024 (Supreme Court, 2024)

The data above indicates that the low compliance of local government officials in implementing PTUN verdicts reflects their lack of awareness.

Meanwhile, from a legal substance perspective, the regulations on sanction enforcement for government officials who fail to implement PTUN verdicts remain unclear. Different regulations and sectorally regulate sanctions for government officials who do not implement PTUN verdicts. In both regulations, there are differences in nomenclature and sanction models between the Peratun Law and the AP Law, which are currently both still in effect. To find out more about the differences in the regulation of the Peratun Law and the AP Law, the concept of sanctions relating to government officials who do not implement the PTUN verdict is described through a comparison of the formulation of the following articles

Table 1 : Contradictions in the Regulation of Sanctions for Government Officials Who Do Not Implement Administrative Court Verdict

Peratun Law	AP Law
<p><b>Article 116:</b>  <i>"(4) If the defendant refuses to comply with a court decision that has obtained permanent legal force, the relevant official will be subject to coercive measures, including the payment of forced money and/or administrative sanctions."</i></p>	<p><b>Article 72 paragraph (1):</b>  <i>"(1) Government bodies and/or officials are required to enforce legal decisions, as well as decisions and actions that have been declared invalid or annulled by the court, relevant official, or their superior."</i></p>

Peratun Law	AP Law
<p>"(5) An official who fails to implement the court decision, as stated in paragraph (4), shall be publicly announced in the local print media by the clerk upon the non-fulfillment of the provisions mentioned in paragraph (3)."</p> <p>"(6) Apart from publication in the local print media as mentioned in paragraph (5), the chief justice shall report the matter to the President, as the supreme authority of the government, to instruct the official to enforce the court decision, and to the people's representative institution for supervisory action."</p> <p>"(7) Regulations concerning the amount of forced money, types of administrative sanctions, and procedures for their implementation shall be determined by applicable laws and regulations."</p>	<p><b>Article 80(2):</b>            "(2) Government officials who fail to comply with the provisions stated in Article 25 paragraph (1), Article 25 paragraph (3), Article 53 paragraph (2), Article 53 paragraph (6), Article 70 paragraph (3), and Article 72 paragraph (1) shall face moderate administrative sanctions."</p> <p><b>Article 81 paragraph (2):</b>            "(2) Medium administrative sanctions, as stated in Article 80 paragraph (2), include:            a. Payment of forfeiture and/or compensation;            b. Temporary dismissal with the rights of office;            or            c. Temporary dismissal without the rights of office.."</p>

Based on the table above, the differences in the sanction enforcement models indicate that the Peratun Law treats administrative sanctions and coercive fines as separate instruments. In contrast, the AP Law stipulates that administrative sanctions may include coercive fines and/or compensation, along with other sanctions. In addition, in the AP Law, coercion is not recognized and not regulated. However, the imposition of administrative sanctions under the AP Law, which is enforced by higher-ranking government officials within the same hierarchy, creates a dualism of sanctions within the scope of PTUN. This is because, under the Peratun Law, the imposition of coercive fines on the concerned official is determined by the judge. In contrast, the AP Law stipulates that moderate administrative sanctions for government officials who fail to implement PTUN decisions are imposed by the official's superior. This condition will cause problems because the imposition of sanctions may be carried out by two different institutions in an overlapping manner, namely the executive and judicial institutions because the two laws are equally applicable.

The difference between these two provisions, both of which regulate and apply sanctions to government officials who fail to implement PTUN verdicts, highlights a significant inconsistency between the two laws. The disharmony that occurs being a problem because the two regulations have the potential to be unimplementable due to norm conflicts. Therefore, this paper will examine the ideal regulatory model for administrative sanctions against local government officials who fail to implement PTUN decisions, ensuring legal certainty in society.

### METHOD

The type of research used in this study is normative juridical. Normative legal research, according to Soerjono Soekanto, is research that examines secondary data or library materials (Soekanto, 1986). This method is referred to as legal research in its meaning as a qualitative, prescriptive law in books which can then prescriptively interpret the law which is an ideal value, conceptual value system, and positively applicable law (Muzakkir, 2017). The approach used in this research is a statutory approach and a comparative approach.

### RESULTS AND DISCUSSION

#### 1. Existing Regulation on Administrative Sanctions for Government Officials Who Do Not Implement Administrative Court Verdict

Theoretically, administrative sanctions in state administrative law are categorized into government coercion, withdrawal of favorable decisions, and the imposition of forced money

(Hadjon, 2008). These sanctions serve as a form of coercive execution for government officials who do not implement PTUN verdicts..

In the Peratun Law, administrative sanctions are outlined in Article 116 paragraph (4), which stipulates that officials who fail to comply with an Administrative Court ruling may face coercive measures, including the obligation to pay forced money and/or administrative sanctions. Within the context of state administrative law, forced money serves as a form of administrative sanction. Fundamentally, it represents a financial penalty imposed on state administrative officials, either in their official role or as individuals, due to delays in executing court decisions. This enforcement mechanism is intended to ensure adherence to PTUN rulings that have obtained permanent legal standing.

Article 116 of the Peratun Law has a weakness as it lacks clear provisions on the procedure for imposing forced money and/or administrative sanctions and does not specify the authority responsible for enforcing them. Although Article 116 paragraph (7) mandates the formation of technical regulations, enforcement remains ambiguous. The judge's verdict determines only the forced money penalty, while the authority to impose administrative sanctions is not explicitly regulated.

Meanwhile, in the AP Law regime, the content of administrative sanctions is not only related to the non-implementation of PTUN decisions, but also variatively regulates administrative sanctions if government officials violate obligations in governance. The variation of administrative sanctions in the AP Law is divided into three degrees, namely mild, moderate, and severe administrative sanctions

Under Articles 72(1), 80, and 81 of the AP Law, government agencies or officials who fail to implement annulled or invalidated decisions face moderate administrative sanctions. These may include forced money payments, compensation, temporary suspension with or without official rights. Like the Peratun Law, the AP Law acknowledges forced money as an administrative sanction but defines it differently—as a security deposit ensuring compliance rather than a direct penalty for non-implementation.

The AP Law stipulates that moderate administrative sanctions for non-compliance with a PTUN decision are imposed based on the official's hierarchical position. According to Article 82 AP Law, sanctions are enforced by:

- a. The superior of the official who issued the decision.
- b. The regional head if the decree was issued by a regional official.
- c. The minister or institution head if the decision was made by an official within their jurisdiction.
- d. The President if the decree was issued by a minister or agency head.
- e. The Governor if the decision was made by a Regent or Mayor.
- f. The Minister responsible for domestic government affairs if the decree was issued by a Governor.

This hierarchical approach ensures that sanctions are imposed by the appropriate authority based on the level of governance involved in the issuance of the decision.

Moderate administrative sanctions can only be imposed after an internal examination by the government's internal supervisory apparatus. As outlined in Government Regulation (PP) 48/2016, which implements the AP Law, the process begins with a complaint report submitted to the defendant's superior. The report is then processed by clarifying and validating, collecting facts, data, and/or other information, and providing considerations to the defendant's superior regarding the results of the examination and the sanctions to be imposed. The process carried out is a maximum of 45 working days and the results of examination are the basis for consideration by the authorized official in determining administrative sanctions. These

regulations create a complex process for imposing administrative sanctions, which in turn hampers the effective implementation of Administrative Court decisions. (Nugroho, 2022).

Meanwhile, the imposition of administrative sanctions in the AP Law and PP 48/2016 is categorized into three degrees, namely mild, moderate, and severe. The procedure for imposing administrative sanctions based on the above rules is carried out based on public complaints or follow-up supervision carried out by the government internal supervisory apparatus, and does not mention as a result of follow-up execution determined by the Administrative Court (Mulyono, 2018). The authority to impose administrative sanctions, as stipulated in the AP Law and PP 48/2016, rests with the superior officer following an internal examination conducted by the Government Internal Supervisory Apparatus (APIP). As a result, the Chairman of the PTUN lacks direct authority to specify the types of administrative sanctions applicable to government officials.

The main issue in the imposition of administrative sanctions lies in the differing paradigms regarding the types of sanctions and the institutions responsible for enforcing them under the Peratun Law and the AP Law. This discrepancy creates a conflict of norms, leading to legal uncertainty in society. The Peratun Law only provides administrative sanctions in the form of forced money and/or other sanctions, but lacks detailed technical regulations for their implementation. The agency authorized to impose coercive measures definitively in the Peratun Law is only limited to PTUN judges who are authorized to determine coercive money, while administrative sanctions are not explicitly imposed by which agency. Meanwhile, in the AP Law, administrative sanctions are clearly imposed by the superior of the official authorized to impose sanctions through an examination.

The different paradigms built in the Peratun Law and the AP Law result in unclear institutions that have the authority to establishing administrative sanctions. This is related to the view that the actual executor of the PTUN verdict is imposed on the Defendant itself (Simanjuntak, 2014). The disharmony in government administration, where the government acts both as the defendant and as the executor of PTUN verdicts, presents a significant challenge in enforcing court decisions. This problem affects both the execution of PTUN verdict and the enforcement of administrative sanctions against officials who do not to implement.

## **2. Model for the Imposition of Administrative Sanctions for Government Officials Who Do Not Implement PTUN Verdict in France**

The authority possessed by the French State Administrative Court is to exercise control over the course of government. Control over government actions consists of legal actions that are written and unwritten or referred to as factual actions. Based on the examination conducted by the French Administrative Court, the court will issue a ruling that aligns with the government action being challenged in the lawsuit. If the plaintiff's claim is granted, the government official is required to revoke the action or decision in question. Should the official fail to implement the PTUN ruling, an execution mechanism will be enforced.

Similarly in Indonesia, many government officials in France do not comply with PTUN decisions. This is shown by data prior to 1995, there were approximately 1337 complaints from plaintiffs regarding the implementation of PTUN decisions (Brown & Bell, 2003). Comprehensive execution arrangements in France were recognized in 1995. The procedure for requesting execution when an administrative court decision is not executed is requested to the *Conseil d'Etat*. The request is followed up by appointing a *rapporteur* judge to discuss with representatives of the relevant departments. Alternatively, the State Administrative Tribunal, based on a report from the Plaintiff, can refer the matter to the *Section du Rapport* to investigate the implementation of the State Administrative Tribunal's verdict. The purpose of handling the

implementation of the PTUN decision is delegated to the *Section du Rapport* so that the execution can be carried out by government officials.

However, if government officials do not comply, there is a reporting mechanism to the institution authorized to handle the forced implementation of decisions, namely the *Mediateur*, so that officials respect the PTUN verdict. The enforcement of PTUN verdicts is also carried out through material compensation and coercive measures, such as *astreinte*, which involves the imposition of forced monetary penalties. Since 1980, the legislature has authorized the French State Administrative Tribunal to impose coercive measures against government officials who refuse to implement the contents of State Administrative Tribunal verdict. The definition of *astreinte* can be interpreted as a payment obligation that must be paid by the official after the deadline for implementing the PTUN verdict is not complied by the official. The stipulated payment period is 4 months, if the decision is not complied with then the amount of *astreinte* will increase every day (Bell, 1998).

The imposition of forced money is intended as a form of party pressure so that officials comply with the PTUN decision. The function of *astreinte* is to spur the performance of the official concerned. If the official fails to comply with the decision of the Administrative Court within a reasonable period of time, the *Conseil d'Etat* may use *astreinte* as a final measure of penalty. The juridical basis governing *astreinte* can be found in Articles L 911-3 to L 911-7 of the Code of Administrative Justice, which are as follows (Erlangga, 2023):

- *Article L 911-3: "The court may include an astreinte along with the injunctions outlined in Articles L. 911-1 and L. 911-2 within the same ruling. This penalty is imposed based on the relevant legal provisions. Additionally, the court has the authority to determine the date when the astreinte takes effect."*
- *Article L 911-4: "If a ruling is not executed, the concerned party can request the court to enforce it after the decision is issued. When a judgment lacks specific enforcement measures, the court handling the case will establish them. The court may also set a deadline for compliance and impose an astreinte to ensure execution."*
- *Article L 911-5: "If a decision issued by the Conseil d'État, an administrative court, or another administrative body is not enforced, the Conseil d'État may intervene, either at a party's request or on its own initiative. It can define the enforcement measures, set a compliance deadline, and impose an astreinte on the responsible entities. If an astreinte has already been set, the Conseil d'État may establish a new deadline."*
- *Article L 911-6: "The astreinte may be either temporary or final. It is considered temporary unless the court explicitly declares it as definitive. This financial penalty is distinct from any compensatory damages granted in the ruling."*
- *Article L 911-7: "If a decision is fully, partially, or belatedly executed, the court will continue calculating the previously imposed astreinte. However, unless non-execution is proven to be due to force majeure or unforeseen circumstances, the court cannot alter the final astreinte rate during its calculation. In cases where non-execution is established, the court retains discretion to reduce or eliminate a temporary astreinte."*

In a ruling by the *Conseil d'État* in France regarding the enforcement of *astreinte*, it is stated that if an individual ordered to pay a coercive fine fails to fulfill this obligation, the responsible judge may request the *Conseil d'État*, acting on behalf of the President's litigation authority, to enforce the payment.

### **3. Ideal Regulation Concept of Administrative Sanctions for Local Government Officials Who Do Not Implement Administrative Court Decisions as a Form of *Ius Constituendum***

One form of legal protection is shown by the implementation of every PTUN decision. In this case, when government officials as the Defendant who lost the state administrative dispute are required to implement the PTUN verdict that has been inkraht. However, in practice, many PTUN verdict are not implemented by government officials. Overall, in 2021 the level of execution of PTUN verdict according to BPKP and KPK research was at 34.92%, which means that the success of execution at the PTUN is still low.

At the regional level, the level of compliance of local government officials with PTUN decisions is also still low. This condition is shown by the data processed by the author in the State Administration Execution Monitoring Data of the Directorate General of Badilmiltun of the Supreme Court in 2024, there were 118 requests for executions submitted to the PTUN and PTTUN because government officials did not implement PTUN decisions, of which 20 requests for executions were filed with the Defendants being local government officials. In percentage terms, the number of local government officials who have failed to implement inkraht PTUN decisions is 16.94%. Local government officials who do not comply with the verdict include regional heads and regional apparatus organizations responsible for implementing regional governance.

The non-compliance of local government officials with PTUN decisions is not followed by rules in the form of sanctions that can force and provide psychological pressure if the officials concerned do not implement PTUN decisions. Regulations concerning sanctions for officials who fail to implement PTUN decisions are indeed stipulated in both the Peratun Law and the AP Law, which are both in effect. However, the differing sanction models within these laws create legal conflicts.. With problematic legal instruments, the current model of implementing PTUN decisions emphasizes more on self-respect/awareness of officials which can be interpreted as moral compliance rather than juridical compliance. The unclear system of enforcement of PTUN decisions tends to depend on the awareness of government officials, which implies that the plaintiff in the PTUN case does not have sufficient bargaining power with the defendant (Utama, 2010).

Improvements to strengthen the authority of the PTUN as an institution that imposes sanctions on local government officials prospectively are important to provide legal protection for society. Reforming the state administrative court system is both a theoretical and practical necessity to strengthen its role in enforcing legal compliance. This is based on a comparison made by the author with the state administrative court system in France, where procedural law grants the administrative court the authority to impose forced money on government officials who fail to implement the court's verdict. Furthermore, Mustamar, a High Judge of the Judicial Supervision Agency of the Supreme Court, stated during the 2024 Supreme Court Judge candidate interview by the Judicial Commission that a solution is needed for PTUN verdicts often disregarded by government officials. He suggested establishing regulations that grant PTUN the authority to impose sanctions on officials who fail to execute court decisions (Judicial Commission, 2024).

Future regulations on sanctions for government officials who do not implement PTUN decisions can adopt the French PTUN model, which comprehensively defines both the substance of sanctions and the authorities responsible for imposing them. A comparison of administrative sanction regulations between Indonesia and France reveals key distinctions in their approaches to enforcement and accountability.:

Table 2 : Comparison of Sanction Rules for Government Officials Who Do Not Implement PTUN Verdict Between Indonesia and France

No.	Type of difference	France	Indonesia
1	Enforcing Agency	<i>Administrative Tribunaux</i> (PTUN) <i>Conseil d'Etat</i> (Council of State)	Because the Peratun Law and AP Law both apply, there is dualism in the sanctioning agency between the PTUN and government officials
2	Sanction Model	<i>Astreinte</i> (forced money)	- In the Peratun Law, forced money and/or administrative sanctions are recognized. - Under the AP Law, moderate administrative sanctions are imposed
3	Sanctions Liability	Responsibility of position through the budget of the agency or department of the official concerned	It is not clear whether it is the individual official or the agency that houses the official.

Prospective regulatory reform in Indonesia should include substantive sanction norms for officials who fail to implement PTUN verdicts. Additionally, structural changes are needed to grant specific institutions the authority to impose administrative sanctions, particularly on local government officials who disregard PTUN verdict.

The discrepancy in sanction regulations between the AP Law and the Peratun Law regarding government officials who fail to implement PTUN decisions creates the potential for these provisions to be unenforced. To overcome this, the principle of preference can be used. The position of the AP Law as one of the laws that specifically regulates the material law of the state administrative judicial mechanism as a form of improvement of the Peratun Law. Therefore, the principle of preference is the principle of *lex specialis derogat legi generali*, which means that special norms override the validity of general norms. The implementation of the *lex specialis* principle can overcome the problem of norm conflicts to simplify the process of forming special rules in the future. In its application, the *lex specialis* principle strongly supports the process of law formation that is responsive to adjust the dynamics of legal needs in society (Irfani, 2020).

Reforming the AP Law on administrative sanctions for officials who fail to implement PTUN verdicts is crucial as a form of *ius constituendum* in the State Administrative Justice system. This aligns with national legal development efforts, particularly in the dimension of legal renewal. Legal reform aims to enhance and refine existing regulations to meet evolving needs. However, such changes do not require a complete overhaul of the law but should focus on updating aspects that are outdated or no longer relevant. (Manan, 2009).

A revision of administrative sanctions for local government officials who do not enforce PTUN verdicts is essential to strengthen legal certainty and enforcement. In the paradigm of administrative law, forced money sanctions or known as *dwangsom* are part of the administrative sanction model. The forced money model is also applied in the French Administrative Court system. To ensure clarity and effectiveness, the procedure for imposing forced money should be strictly regulated in the AP Law with the following recommendations.

1. Forced money shall be imposed on an official if the official fails to implement a Administrative Court (PTUN) verdict that has become legally binding;
2. The Chairman of the PTUN has the authority to issue a ruling imposing forced money on the relevant official for failing to implement the PTUN's verdict.;



3. Forced money shall be imposed for each day of delay, which is cumulative, from the issuance of the decision of the chairman of the PTUN based on the request for execution until the decision is implemented by the official concerned;
4. The amount of forced money is set at a minimum of IDR 500,000 per day of delay, which will be imposed cumulatively until the execution of a decision that has permanent legal force;
5. The payment of forced money is charged monthly according to the date of receipt of basic salary and performance allowance;
6. Payment of forced money is imposed by deducting the salary and/or allowances of officials which are deposited in the PTUN Treasurer's account as a form of Non-Tax State Revenue.

The enforcement of forced money can be integrated with other administrative sanctions for officials who neglect to implement PTUN decisions with permanent legal force. The types of administrative sanctions applicable to local government officials can be adapted from Article 37 of Government Regulation Number 12 of 2017 on Regional Government Development and Supervision, as outlined below :

1. Written reprimand;
2. No financial entitlements were paid for three months;
3. No financial entitlements are paid for six months;
4. Participate in a special coaching program to deepen the field of government;
5. Temporary suspension for three months; or
6. Dismissal.

The imposition of administrative sanctions can be imposed cumulatively or one of them with forced money sanctions by considering the elements of proportion and justice.

Furthermore, from a substantive perspective, clear regulations on the liability for administrative sanctions against local government officials who fail to implement PTUN verdicts are essential. The concept of liability of government officials in administrative law is divided into two, namely *fautes personnelles* and *fautes de services*. According to Kranenburg and Vegting, the concept of *fautes personnelles* implies that losses suffered by the public due to the actions of state administrative officials are considered the personal responsibility of the officials. In contrast, the concept of *\*fautes de service\** holds that losses caused by the actions of state administrative officials fall under the responsibility of the state or its institutions (Ridwan HR, 2006). At present, the Supreme Court's jurisprudence continues to adhere to the *\*fautes de service\** principle, formulated as follows::

*"The principle that mistakes made by State Administrative Officials in issuing State Administrative Verdict that result in harm to justice seekers/community, should not be borne or become the risk concerned."*

This principle causes officials to feel untouchable by the law and tend to ignore orders to implement PTUN decisions because officials feel that their mistakes will be borne by the state through the agency or body that oversees them. Therefore, the author agrees that the principle of *fautes personnelles* can be progressively applied in determining the liability of local government officials who fail to implement PTUN verdicts. In relation to the imposition of liability for administrative sanctions due to the non-implementation of a PTUN decision, the responsibility falls on the official personally. This is a form of accountability for administrative actions that violate legal obligations, as the official's failure to comply with the law results in harm to other parties.

From a structural perspective, strengthening the Administrative Court as the enforcement body for state administrative court decisions is a *ius constituendum* that aligns with the progressive expansion of its authority. As an institution, the Administrative Court should be empowered to oversee the full execution of its rulings. However, the enforcement of PTUN

decisions continues to face significant obstacles due to legal conflicts between the Peratun Law and the AP Law. These inconsistencies create uncertainty regarding which authority is responsible for imposing administrative sanctions on officials who do not implement with PTUN verdict, hindering effective enforcement.

The repositioning of PTUN's authority to impose administrative sanctions is a necessity to be regulated in the AP Law. The role of PTUN is crucial as an institution that functions as a juridical control over government operations. Enhancing PTUN's authority to sanction local government officials who disregard its verdicts can be accomplished by adopting elements of the PTUN mechanism in France as a model. In the French Administrative Court procedural law, PTUN has the authority to enforce compliance through coercive measures, including forced money penalties on officials. By adopting this approach, PTUN in Indonesia could be empowered to monitor the execution of its verdicts and impose administrative sanctions on non-compliant government officials. This would establish PTUN as a subsystem within administrative law enforcement, ensuring greater legal certainty and accountability. Implementatively, the PTUN can form an execution team as in civil and criminal cases to oversee and ensure that PTUN decisions are implemented by the officials concerned (PTUN Bandung, 2022). This is also a manifestation of the doctrine of separation of powers, which allows supervision of other branches of power with the aim of achieving harmonization of power to prevent arbitrariness or abuse of power.

## CONCLUSION

The execution of PTUN verdicts is a key aspect of state administrative law enforcement. The effectiveness of the system depends on government officials' compliance with court decisions. In 2024, 16.94% (20 cases) of local government officials faced execution requests, highlighting persistent non-compliance. This issue is worsened by conflicts between the Peratun Law and the AP Law regarding sanction models, leading to legal uncertainty. To address this, administrative sanction regulations need reform. Comparing Indonesia's system with France reveals that PTUN should have clear authority to impose sanctions on non-compliant officials. Substantive changes should establish forced money sanctions and/or administrative penalties, holding officials personally accountable under the *fautes personnelles* principle. Structurally, PTUN should have expanded authority to oversee verdict execution and enforce sanctions against non-compliant officials.

## Reference

- Ashidiqie, J. (2015). *Peradilan Etik dan Etika Konstitusi*, Sinar Grafika, Jakarta.
- Bell, J. (1998). *Principles of French Law*, Oxford University Press, New York.
- Brown and Bell. (2003). *French Administrative Law*, Clarendo Express, Oxford, New York.
- Dani, U. (2015). *Putusan Pengadilan Non-Executable Proses dan Dinamika Dalam Konteks PTUN*, Genta Press, Yogyakarta.
- Endang, I.A., dkk. (2022). *Usulan Pembentukan Peraturan Pelaksanaan Tentang Pengenaan Uang Paksa Kepada Pejabat Pemerintahan Sebagai Penguatan Pelaksanaan Eksekusi Putusan Peradilan Tata Usaha Negara*, Jakarta, Kencana.
- Erlangga, S. dkk (2023). *Forced Money (Dwangsom) in the Indonesian State Administrative Court System and Astreinte in French Conseil d'Etat*, *Supremasi Hukum : Jurnal Kajian Ilmu Hukum*, 12(2). <https://doi.org/10.14421/sh.v12i2.3140>
- Hadjon, P.M. (2008). *Pengantar Hukum Administrasi Indonesia*, Gadjah Mada University Press, Yogyakarta.
- Mulyono, dkk (2018). *Transplantasi Ketentuan Sanksi Administratif Pada Peraturan Pemerintah*

- Nomor 48 Tahun 2016 Dalam Proses Eksekusi Oleh Ketua Pengadilan Tata Usaha Negara, *Jurnal Hukum Peratun*, 1(2). <https://doi.org/10.25216/peratun.122018.145-162>
- Muzakkir, A.K. (2017) Metode Penelitian Hukum (Legal Research Methods), CV Social Politic Genius (SIGn), Makassar.
- Nugroho, M.A.A. (2022). Rekonstruksi Upaya Paksa Dalam Putusan Peradilan Tata Usaha Negara Berbasis Perspektif Revolusi Sosial dan Industri, *Proceedings of Legal International Conference and Studies*, Universitas Islam Sultan Agung.
- Simanjuntak, E. (2014). Prospek Ombudsman Republik Indonesia Dalam Rangka Memperkuat Pelaksanaan Ekekesi Putusan Peradilan Tata Usaha Negara, *Jurnal Hukum dan Peradilan*, (3)2. <https://doi.org/10.25216/jhp.3.2.2014.163-176>
- Soekanto, S. (1986). Penelitian Hukum Normatif, Rajawali Pers, Jakarta.
- Susmayanti, R. (2023). Hukum Tata Negara, Sada Kurnia Pustaka, Serang.
- Utama, Y.J. (2010). Membangun Peradilan Tata Usaha Negara yang Berwibawa, Pidato Pengukuhan Guru Besar Ilmu Hukum Fakultas Hukum, Universitas Diponegoro, Semarang.
- Komisi Yudisial. 2024. CHA Mustamar : Kelemahan PTUN Terletak Pada Eksekusi Putusan Yang Sering Diabaikan, [https://www.komisiyudisial.go.id/frontend/news\\_detail/15669/cha-mustamar-kelemahan-ptun-terletak-pada-eksekusi-putusan-yang-sering-diabaikan](https://www.komisiyudisial.go.id/frontend/news_detail/15669/cha-mustamar-kelemahan-ptun-terletak-pada-eksekusi-putusan-yang-sering-diabaikan), 10 Juli 2024
- Irfani, N. (2020). Asas Lex Superior, Lex Specialis, dan Lex Posterior : Pemaknaan, Problematika, dan Penggunaannya Dalam Penalaran Dan Argumentasi Hukum, *Jurnal Legislasi Indonesia*, 16(3).
- Manan, A. (2009). Aspek-Aspek Pengubah Hukum, Kencana Prenada Media Group, Jakarta.
- Mahkamah Agung. 2024. Monitoring Evaluasi Eksekusi Putusan Pengadilan Tata Usaha Negara. <https://eksekusi-ptun.djmt.id/>, 25 November 2024
- Ridwan HR. (2006). Hukum Administrasi Negara, Rajawali Pers, Jakarta.
- PTUN Bandung. 2022. Tidak Patuh Terhadap Putusan PTUN, Termasuk Maladministrasi, <https://ptun-bandung.go.id/index.php?id=787>, 27 Juli 2022.