

ABSTRACT

DEZONDA. R. PATTIPAWAE, **Executorial Strength of Decisions in the Application of Forced Money Execution (*Dwangson*) in the State Administrative Court to Realize the General Principles of Good Governance.** Under the guidance of Prof. Dr, Hj. Waty Suwarty Haryono, SH., MH, as the Supervisor, and Dr. Azis Budianto, SH., MS, as Co-Supervisor.

The legal requirements of the State Administration Decree are regulated in Article 53 paragraph (2) of Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning State Administrative Courts covering two things, namely: 1) Decisions of State Administration in accordance with applicable laws and regulations; 2) Decisions of the State Administration in accordance with the General Principles of Good Governance. General Principles of Good Governance include principles: legal certainty; orderly state administration; openness; proportionality; professionalism, accountability. Problem formulation: why the State Administration Decree which has executive power is not complied with by the State Administration Officer; how is the nature of the General Principles of Good Governance in Execution in the State Administrative Court; what is the legal effect of the non-compliance of the State Administration Officials on the application of forced money (*dwangson*) in the execution of the State Administration decision.

This research is a normative juridical research. Using the type of research that is descriptive-analytical. Sources of data obtained from library materials in the form, laws and regulations as well as legal documents relating to this research. The process of collecting legal material is carried out using library research conducted by citing several sources and studying the theories of experts, legislation and books relating to the object under study. Primary data collection techniques, collected by collecting books, laws, and other regulations relating to this research. Secondary data was obtained from observations of reality that occurred at the Ambon State Administrative Court and at the Jakarta State Administrative Court in connection with the application of forced money executions (*Dwangson*) to State Administration Bodies or Officers who did not implement the State Administrative Decision. Analysis of the data used in normative legal research is qualitative analysis.

The results of the study show that: 1) The implementation of forced efforts in the State Administrative Court has not been able to be effective because there are no implementing regulations, only decisions that are nature that contains the burden or obligation to carry out certain actions to the defendant can be subject to forced efforts. 2) Good General Principles are principles used as a reference for the use of authority for Government Officials in issuing decisions and / or actions in the administration of government. 3) Non-compliance of the agency or official with regard to the decision of the State Administrative Court may be in the form of : a) Not revoking the disputed State Administration decision; b) Do not revoke the decree of the disputed State Administration and order to issue a new State Administration Decree; c) Does not issue the State Administration Decree petitioned by the plaintiff; d) Not complying with the obligation to pay compensation determined by the court; e) Not complying with the rehabilitation of the plaintiff's good name. Conclusion: the weak implementation of the Administrative Court Decision is because there is no executorial institution and compelling force in the implementation of the Administrative Court Decision, so that the implementation of the Administrative Court Decision depends on the awareness and initiative of the State Administration Officer. Suggested: establishment of special executorial institutions or *sanski* institutions that function to carry out decisions of State Administrative Courts that have permanent legal force (*inkracht van gewijsde*).

Keywords : Executorial Strength of Decision, Application of Forced Money Execution (*Dwangson*), General Principles of Good Governance.