

ABSTRACT

Fatria Khairo, MODEL FOR IMPROVING THE COMPLIANCE OF STATE ADMINISTRATIVE OFFICERS IN IMPLEMENTING JURISDICTIONS, Supervised by Prof. Dr. H. Zudan Arif Fakrulloh, SH, MH, and Dr. Hj. Megawati Barthos, SH, MH.

Every person who disputes in the State Administrative Court (PTUN) expects a legal decision that has permanent legal force so that a final settlement can be obtained from the lawsuit submitted to the court. The final settlement is not only limited to a decision punished by the judge on the dispute, but also which is highly expected that the decision can be executed. However, in practice the difficulty of the execution process was caused the State Administration (TUN) official as the defendant did not obey or did not carry out the execution.

The problems of this dissertation: First; Why do State Administrative Officials (PTUN) not obey with the Decision of the State Administrative Court (PTUN) which has permanent legal force (inkracht)? Second: How are the effects of sanctions on the compliance of State Administrative Officials (TUN) in carrying out the execution of the State Administrative Court (TUN)? Third: How is the Force Model that can be used to increase the compliance of State Administration officials (TUN) in implementing court decisions that have permanent legal force (inkracht)? In this dissertation research using a sociological juridical research approach where which is describes law as a social empirical symptom associated with law enforcement. So that law is not only interpreted as a chain of values of rules and norms, written positive law but also can provide meaning as a teaching system about reality. The primary data and secondary data, namely in the form of court decisions, interviews, rules and legal norms contained in statutory regulations, legal theories, doctrines or expert opinions are used. Data obtained from the field are collaborated with theories and applicable legal rules. The primary data and secondary data are elaborated so that they become a process to find an ideal model to increase the compliance of state administrative officials in implementing court decisions that have permanent legal force.

From the results of this study, it was found that one of the causes of the execution was not carried out due to the disobedience of State Administration officials (TUN). Article 7 paragraph (2) letter 1 of Law No. 30 of 2014 concerning Government Officials states "Government Officials have the obligation to comply with Court decisions that have permanent legal force". Based on this, the concept of the application of disobeying a court order (discoders) against parties who do not comply with the decisions of the State Administrative Court (PTUN) is considered ideal for increasing the compliance of State Administration officials in implementing court decisions.

The pattern of sanctions applied are a). Inserting the Article that Every State Administration Officer (TUN) who does not carry out a court decision order which is already in force will still be subject to sanctions in the form of criminal sanctions because they are deemed to have committed insult to the court, b). Entering the forced off falling money model by multiplying the dwangsom to 1000 times of maximum amount of the penalty, c). Incorporating the Model for the imposition of forced money by means of weighting tax payments to State Administrative Officials (TUN) who do not carry out a court decision order that has permanent strength, d).

The Need for Harmonization of Law No. 30 of 2014 concerning Government Administration, Law no. 5 of 1986 concerning State Administrative Courts, and Law No. 23 of 2014 concerning Regional Government.

Keywords: Disobeying Court of Order