

THE URGENCY OF FORCED MONEY REGULATION IN THE STATE ADMINISTRATIVE COURT: NORMATIVE ANALYSIS OF IMPLEMENTATION MECHANISMS

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Received : 01 September 2025

Published : 17 November 2025

Revised : 15 September 2025

DOI : <https://doi.org/10.54443/ijerlas.v5i6.4320>

Accepted : 10 October 2025

Link Publish : <https://radjapublika.com/index.php/IJERLAS>

Abstract

The regulation of forced money (dwangsom) within the State Administrative Court is an important instrument to ensure compliance of state administrative officials with court decisions that have permanent legal force. However, until now the regulations governing the mechanism for the implementation of forced money in the PTUN are still unclear, so it often causes obstacles in the practice of execution. This study aims to analyze the urgency of the regulation of forced money in the State Administrative Court by focusing on the implementation mechanism so that it can be implemented effectively. The research method used is a prescriptive method with a normative approach, namely examining applicable laws and regulations, legal doctrines, and relevant court decisions. The results of the study show that the absence of strict regulations regarding the implementation of forced money creates legal uncertainty and has the potential to weaken the function of the PTUN as judicial control over government administrative actions. Therefore, a more comprehensive regulation is needed regarding the mechanisms, procedures, and parameters of the implementation of forced money in order to provide legal certainty, ensure the effectiveness of the execution of decisions, and strengthen the principle of the rule of law in the administration of government.

Keywords: *Forced Money, State Administrative Court, Execution of Judgments.*

INTRODUCTION

Within the framework of the judicial power structure in Indonesia, the State Administrative Court (Peratun) plays a strategic role as a judicial institution that has the authority to examine, adjudicate, and decide cases that arise in the realm of government administrative disputes (Indrayana, 2019). Peratun functions as an instrument of judicial supervision over the legality of the actions of state administrative officials in order to ensure compliance with applicable legal principles (Asshiddiqie, 2020). State administrative disputes are a form of disputes that occur within the scope of state administrative law between individual citizens or civil legal entities and government administrative officials, triggered by the issuance of state administrative decisions (Supandi, 2018). One of the essential functions carried out by the State Administrative Court is to perform its role as a control mechanism on the administration, namely by acting as an instrument of judicial supervision over administrative actions carried out by government officials or bodies, to ensure that these actions comply with the applicable law (Marzuki, 2021).

The State Administrative Court has a very important role in ensuring legal protection for citizens who seek justice, by assessing and testing the legality of a state administrative decision, whether it has been issued or not issued by officials or state administrative bodies at the regional level (Asshiddiqie, 2020). This legality test process is carried out based on the provisions of applicable laws and regulations, and is guided by the general principles of good governance (Indrayana, 2019). The legal basis of this authority is stated in Article 53 paragraph (1) of Law Number 5 of 1986 concerning the State Administrative Court, as amended through Law Number 9 of 2004, and finally modified by Law Number 51 of 2009. The presence of the State Administrative Court (Peradilan Tata Usaha Negara or PTUN) represents one of the judicial mechanisms to ensure the principle of legal protection, complementing the internal administrative supervision mechanism within the scope of government (Supandi, 2018). Therefore, PTUN provides a foundation for the judiciary to evaluate executive actions, as well as to establish a legal

protection mechanism for citizens. In line with this, Paulus Efendi Lotulung (1993) explained that, when viewed from the background of its formation as outlined by the government in the plenary session of the House of Representatives on April 29, 1986, the existence of PTUN aims to resolve conflicts between the government and its citizens resulting from administrative actions (*bestuurshandelingen*) that are considered detrimental to individual or community rights. The establishment of this judicial body seeks to ensure legal protection for the community as one of the main objectives in realizing the rule of law (Marzuki, 2021). Hence, the creation of a judicial institution with the authority to prosecute government officials for administrative actions violating citizens' rights marks a major step toward upholding the rule of law in Indonesia's constitutional system.

Although the establishment of the State Administrative Court is a progressive step in building a democratic, law-based state aligned with modern administrative principles, in practice—over more than three decades since its founding—the institution continues to face serious challenges, particularly regarding the enforcement of court decisions (Fachruddin, 2004). One of the main problems that persists is the difficulty of effectively executing PTUN decisions, which potentially weakens the authority and effectiveness of the judiciary in upholding law and administrative justice. Regarding this issue, Irfan Fachruddin (2004) emphasized that “the problem of the implementation of judicial decisions (*executie*) within the State Administrative Court has existed since the establishment of this judicial body.” Although various efforts have been made, an effective and operational mechanism to ensure that the implementation of court judgments aligns with the *amar* of the decision is still lacking. Based on prior studies, the success rate of executing PTUN decisions remains relatively low, both before and after the inclusion of *dwangsom* (forced payment) provisions in 2004 (Supandi, 2018).

One of the problems that generally affects the effectiveness of the implementation of decisions within the scope of the State Administrative Court (*Peradilan Tata Usaha Negara* or PTUN), and simultaneously undermines its authority, is the negative public perception that this institution lacks adequate executive power (Asshiddiqie, 2020). As a result, PTUN is often equated with a “toothless tiger”, a metaphor describing its perceived powerlessness in enforcing court decisions effectively. This stigma arises from the frequent non-compliance or neglect of court rulings by state administrative officials (*pejabat TUN*), who are legally obligated to implement them (Fachruddin, 2004). In practice, there are cases where decisions that have clear executorial value are treated as if they have none. Public debates regarding PTUN's authority often reflect divergent interests, as illustrated in the case of Julius Pontoh v. Rector of Sam Ratulangi University (Unsrat) at the Manado State Administrative Court. In Decision Number 27/G.TUN/2006/PTUN.Mdo dated March 21, 2006—affirmed by the Makassar State Administrative High Court Decision Number 43/B.TUN/2007/PTTUN.Mks dated December 4, 2007—the court:

1. Declared null and void the Rector's Decree No. 1007/J12/KP/2006 dated September 18, 2006, concerning the appointment of Dr. Edwin de Queuoe, MSc as Dean of the Faculty of Mathematics and Natural Sciences (FMIPA) of Sam Ratulangi University;
2. Ordered the Rector to revoke the aforementioned decree; and
3. Obligated the Rector to issue a new decree appointing Dr. Ir. Julius Pontoh, MSc as Dean of FMIPA at Sam Ratulangi University.

Following this ruling, the Manado State Administrative Court, through letter No. W4-TUN2/306/AT.02.05/IV/2008 dated April 14, 2008, instructed the Rector to execute the decision. The decision was even publicly announced in local Manado media, yet it remained unimplemented. Julius Pontoh subsequently sent letters to the President of the Republic of Indonesia, the Chief Justice of the Supreme Court, and the Minister of National Education, urging compliance with the ruling. The Minister of State Secretariat, through letter No. R.99/M.Sesneg/D4/PU.10.01/05/2011 dated May 5, 2011, requested the Rector to carry out the PTUN decision, and the Director General of Higher Education also issued letter No. 830/D/T/2010 dated July 15, 2010, reinforcing the same order.

Despite these formal directives, the decision remained unenforced. Julius Pontoh then reported the matter to the Ombudsman of the Republic of Indonesia, which conducted a field visit to Unsrat on July 15, 2008, seeking clarification from the Rector. However, no concrete commitment was made. Consequently, the Ombudsman issued Recommendation No. 003/REK/0899.2009/BS.03/III/2012 (March 2012), suggesting that the Minister of Education and Culture impose sanctions on Prof. Dr. Donald A. Rumokoy, SH., MH., in the form of dismissal from his position as Rector of Sam Ratulangi University pursuant to Article 8 letter (f) and Article 38 of Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia. The recommendation was ignored, prompting Julius Pontoh to file another lawsuit against the Minister of Education and Culture at the Jakarta State Administrative Court (Case No. 170/G/2012/PTUN-JKT), contesting the minister's inaction in imposing disciplinary sanctions. However, the claim was dismissed. Subsequently, the Chairman of the Manado State Administrative Court, through Decree No.

01/PEN.TUN/2012/PTUN.Mdo dated April 27, 2012, reaffirmed the previous decision which had obtained permanent legal force, emphasizing that under Article 117 paragraph (4) of Law No. 5 of 1986 on the State Administrative Court, the execution of a legally binding decision is mandatory for the defendant. The Rector of Unsrat argued that changed circumstances prevented the implementation of the decision and offered compensation ranging between Rp200,000 and Rp2,000,000, as stipulated under administrative compensation regulations. However, the plaintiff rejected the offer, insisting that disciplinary sanctions should still be imposed on the Rector for non-compliance (Supandi, 2018).

Based on one example of a case of non-compliance by officials in implementing a decision of the State Administrative Court (Peradilan Tata Usaha Negara or PTUN), the author argues that there is an urgent need for clearer regulation concerning the mechanism of *dwangsom* or forced money. This is important to ensure legal certainty for the parties—especially plaintiffs who have won their cases—so that their rights can be realized promptly without being hindered by the disobedience of officials (Supandi, 2018). Moreover, the regulation of forced money is expected to serve as an effective instrument of law enforcement, encouraging compliance by state administrative officials while simultaneously protecting the legal interests of plaintiffs in a concrete manner (Asshiddiqie, 2020).

Law Number 51 of 2009, which constitutes the Second Amendment to Law Number 5 of 1986, formally recognizes the existence of a forced money mechanism within the State Administrative Court system. This is stipulated in Article 116 paragraph (4), which states: “In the event that the defendant is not willing to implement a court decision that has obtained permanent legal force, the official concerned is subject to coercive efforts in the form of payment of a sum of forced money and/or administrative sanctions.” Furthermore, paragraph (7) provides that: “Provisions regarding the amount of forced money, types of administrative sanctions, and procedures for implementing forced money payments and/or administrative sanctions shall be regulated by laws and regulations.” This formulation reflects the legislature’s intention to strengthen the enforceability of PTUN decisions through financial and administrative instruments (Indrayana, 2019).

However, to date, the implementing regulations mandated under paragraph (7) of Article 116 have not been issued. As a result, the legal framework concerning forced money remains vague, particularly regarding the determination procedure, enforcement mechanism, and collection process. Furthermore, there is no standardized guideline defining a fair and proportionate amount of forced money, nor clarity on who should bear the financial burden, whether the government institution as a public legal entity or the individual official concerned (Fachruddin, 2004). This regulatory gap creates significant problems in practice, rendering the forced money provision a merely symbolic norm that is difficult to realize effectively. Therefore, further discussion is necessary to clarify the mechanism for imposing forced money on State Administrative Officials who fail to execute PTUN decisions that have obtained permanent legal force.

The general objective of this research is to make both academic and practical contributions to strengthening the effectiveness of the state administrative judiciary through the forced money instrument. First, this research aims to analyze and formulate appropriate mechanisms and procedures for the implementation of forced money so that it can be applied consistently and provide legal certainty for all parties involved. Second, the study seeks to identify and determine who should be held responsible for the payment of forced money—whether it should be borne by the government agency or personally by the official. Thus, this research aspires to provide a clearer foundation for constructing a legal system that can effectively enforce court decisions while safeguarding plaintiffs’ rights (Marzuki, 2021).

LITERATURE REVIEW

In conducting this research, several theoretical frameworks are employed to support the analysis. The first is the theory of authority, which emphasizes that every act of a state administrative official must be based on the authority inherent in their position (Hadjon, 1997). This theory is crucial in assessing the legitimacy of an official’s conduct and determining whether non-compliance in executing a court decision constitutes an institutional responsibility or a personal fault. Second, this study adopts the theory of responsibility, which distinguishes between institutional and personal liability, to analyze whether the financial burden of forced money should be imposed on the administrative body or the individual official. Furthermore, Soerjono Soekanto’s theory of legal effectiveness is utilized to assess the extent to which forced money provisions can function effectively in encouraging official compliance with court rulings (Soekanto, 1983). This theory provides an empirical framework for evaluating legal implementation by considering the substance of the law, the law enforcers, the supporting infrastructure, the legal culture, and the broader community as beneficiaries. By integrating these three theoretical approaches, this study

seeks to present a comprehensive analysis of the urgency of regulating forced money within the State Administrative Court system.

METHOD

The type of research used is normative legal research with a prescriptive nature. Normative law research focuses on the study of positive legal norms, legal principles, doctrines, theories, and relevant court decisions. The prescriptive nature was chosen because this study aims to provide a solution to the void of norms and unclear regulations regarding forced money in the State Administrative Court, not just describing the prevailing legal conditions. The approaches used in this study include the statute approach, the conceptual approach, and the case approach. The legislative approach is used to examine regulations related to the implementation of PTUN decisions, while the conceptual approach is used to analyze the concepts of authority, responsibility of officials, and the theory of legal effectiveness. The case approach is carried out by reviewing court decisions that reflect the non-compliance of administrative officials with the PTUN decision.

The legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations, court decisions, and other official legal documents. Secondary legal materials are in the form of legal literature, research results, journal articles, and opinions of legal experts who discuss dwangsom, official authority, and state administrative law. Meanwhile, tertiary legal materials include legal dictionaries and legal encyclopedias that reinforce the clarity of concepts. The technique of collecting legal materials is carried out through library research by tracing relevant regulations, literature, and decisions. All legal materials are analyzed using the deductive method, which is drawing conclusions from general principles and norms to provide concrete solutions to specific legal issues. This analysis considers the principles of justice, legal certainty, and usefulness in order to formulate the ideal arrangement of forced money in the State Administrative Court.

RESULT AND DISCUSSION

The Position of the State Administrative Court, the Problem of Official Non-Compliance, and the Urgency of Forced Money Regulation

The State Administrative Court plays a strategic role as an instrument of judicial supervision over government administrative actions that may potentially harm citizens (Asshiddiqie, 2020). Decisions of the PTUN that have obtained permanent legal force should serve as binding guidelines and must be implemented by state administrative officials as the losing party. However, in practice, obstacles are frequently encountered in the form of non-compliance by officials in executing such decisions (Fachruddin, 2004). This problem can be observed empirically through the MONEKSTUN application—an execution evaluation and monitoring platform developed by the State Administrative Department. As of the latest data, there have been 1,247 execution applications submitted against decisions that have obtained permanent legal force (Supreme Court of the Republic of Indonesia, 2024). This condition raises serious concerns, as it implies a weakening of judicial authority and the erosion of the principle of legal certainty (Supandi, 2018).

One of the instruments designed to foster compliance is dwangsom (forced money), a financial obligation imposed on officials who neglect to implement court decisions. Unfortunately, the regulatory and procedural mechanisms governing the application of forced money in the PTUN context remain incomplete, leading to ineffective enforcement. This underscores the urgency of establishing a more comprehensive and systematic regulatory framework for forced money within Indonesia's administrative law system (Indrayana, 2019). Normatively, Law Number 5 of 1986 on the State Administrative Court and its subsequent amendments have addressed the implementation of court decisions, yet they have not explicitly operationalized the dwangsom mechanism as a means of enforcing compliance. Article 116 paragraph (4) of Law Number 51 of 2009 which serves as the Second Amendment to Law Number 5 of 1986 stipulates that:

“In the event that the defendant is not willing to implement a court decision that has obtained permanent legal force, the official concerned is subject to coercive efforts in the form of payment of a sum of forced money and/or administrative sanctions.”

Furthermore, paragraph (7) provides that:

“Provisions regarding the amount of forced money, types of administrative sanctions, and procedures for the implementation of forced money payments and/or administrative sanctions shall be regulated by laws and regulations.”

However, as of today, the implementing regulations mandated under these provisions have not yet been issued. This legal vacuum creates practical challenges, as the absence of a clear mechanism for determining, applying, and

collecting forced money leaves room for judicial interpretation and reliance on the creativity of plaintiffs seeking execution. Consequently, this situation generates legal uncertainty and undermines the effectiveness of the PTUN as the guardian of the rule of law (Marzuki, 2021). Therefore, the establishment of more specific and binding norms on dwangsom is an urgent necessity to ensure that court decisions are not merely declarative but possess real and enforceable legal power (Hadjon, 1997).

The Concept of Forced Money According to the Doctrine and Its Application in the Decision of the State Administrative Court

Prof. Mr. P.A. Stein defines forced money (*dwangsom/astreinte*) as “a sum of money stipulated in the judgment, which is handed over to the plaintiff in the event that the defendant fails to carry out the obligation imposed by the judgment, as long as or whenever the convict neglects to comply. Forced money may be determined as a lump-sum amount or as a recurring payment for each period of delay or each offense committed” (Stein, as cited in Hadjon, 1997). Similarly, Sudikno Mertokusumo (1993) describes *dwangsom* as “an indirect coercive tool imposed by the judge on the losing party to fulfill his obligations as stipulated in the ruling, in the form of payment of a certain amount of money to the opposing party for each day of delay or each instance of non-compliance.” Ridwan HR (2011) emphasizes that in administrative law, forced money serves as an enforcement instrument to compel government officials to implement State Administrative Court decisions. This mechanism emerged in response to the frequent non-compliance of administrative officials, thereby functioning as a financial pressure tool to ensure obedience.

Furthermore, Indroharto (1993) explains that *dwangsom* represents a legal effort to guarantee the execution of judicial decisions, particularly for officials who are reluctant to comply. Through the imposition of forced money, officials are compelled to fulfill their obligations due to the financial consequences of non-execution.

Based on these expert opinions, it can be concluded that forced money (*dwangsom/astreinte*) constitutes a financial sanction determined by the court and imposed on the losing party or government officials who fail to voluntarily execute a final and binding court decision. This instrument functions as an indirect coercive mechanism aimed at promoting compliance with judicial rulings, applicable both in civil and administrative law contexts. It is important to note that forced money is not a principal punishment, but rather an ancillary instrument possessing both preventive and repressive functions, designed to ensure legal certainty and the effectiveness of judicial enforcement (Lotulung, 2000). In relation to its application, State Administrative Court decisions may take several forms, declaratory, constitutive, or condemnatory. Declaratory decisions are merely explanatory in nature; constitutive decisions establish or annul a legal relationship; while condemnatory decisions contain an enforceable order obligating the losing party to perform or refrain from specific actions. According to Article 97 paragraph (7) of Law Number 5 of 1986 on the State Administrative Court, PTUN judgments may declare the lawsuit rejected, granted, inadmissible, or dismissed. Based on the content and nature of PTUN judgments, not all decisions can be subject to enforcement measures in the form of *dwangsom* or administrative sanctions. Only condemnatory decisions, which impose obligations on the losing party, can be enforced through forced money mechanisms.

Condemnatory verdicts in the PTUN context generally include:

1. The obligation to revoke a state administrative decision declared null and void;
2. The obligation to issue a replacement or new state administrative decision;
3. The obligation to revoke and simultaneously issue a new administrative decision; and
4. The obligation to carry out rehabilitation, particularly in personnel or employment disputes.

The Concept of Forced Money According to the Doctrine and Its Application in the Decision of the State Administrative Court

Furthermore, regarding the party who should bear the burden of paying forced money (*dwangsom*), in the framework of administrative law, authority is the principal basis determining the validity of an official act. Philipus M. Hadjon (1997) emphasized that authority is a juridical concept inherent in the office (*ambt*), not in the individual occupying the position. This means that every act or decision taken by an official represents the exercise of the authority vested in the office, rather than a personal action. Consequently, when non-compliance with a State Administrative Court (PTUN) decision occurs, the primary responsibility theoretically lies with the public institution or legal entity, not with the official personally. Therefore, the imposition of forced money can, in principle, be directed toward the institution that supervises the official as the holder of formal authority. However, when analyzed through the lens of responsibility theory, there exists a crucial distinction between official (institutional) liability and personal liability. In principle, losses resulting from the lawful exercise of official duties are the responsibility of the

state or administrative body. Yet, when an official deliberately refuses or delays the implementation of a PTUN decision, the act transcends the boundaries of official authority and enters the realm of personal fault. In such circumstances, the imposition of forced money upon the individual official is justified as a form of individual accountability, preventing officials from hiding behind the shield of their formal authority to evade responsibility (Ridwan HR, 2011).

Supandi (2014) elaborates that an official performing their duties essentially acts as a representative of the state. Therefore, if losses arise from such actions, and those actions are performed in accordance with the law, it is appropriate for the state to bear the responsibility—a condition known as official error (*faute de service*). However, when an official fails to implement a court decision, such conduct equates to disobedience to the law, which cannot be categorized as an official act representing the state. In this case, the official acts in a personal capacity, since the state, in principle, must embody compliance with the law. Hence, the financial burden of non-compliance with a judicial ruling should not fall upon the state treasury but rather upon the individual official concerned.

This view aligns with the doctrine developed by the Conseil d'État in France, which distinguishes between misconduct of service (*faute de service*) and personal misconduct (*faute personnelle*) (Prosser, 1955; Rivero, 1966). The former arises from the improper functioning of the administrative service and remains the responsibility of the state, whereas the latter stems from personal fault and remains the responsibility of the official. The author agrees with this doctrinal approach, asserting that forced money should be imposed directly on administrative officials who fail to comply with PTUN decisions. This interpretation corresponds with Article 116 paragraph (4) of Law Number 51 of 2009, which stipulates that officials unwilling to implement court decisions may be subject to coercive measures in the form of forced money payments (*dwangsom*) and/or administrative sanctions. This statutory provision indicates that personal consequences may arise for officials, not merely institutional liability, in cases of non-compliance with judicial rulings.

In the broader doctrine of administrative law, it is emphasized that government officials, although acting under the mantle of public office, retain personal accountability when they intentionally or negligently violate legal obligations (Lotulung, 2000). Therefore, the imposition of forced money upon officials who fail to execute PTUN decisions represents a form of individual responsibility consistent with the principles of the rule of law (*rechtstaat*) and good governance (good governance principles). This mechanism ensures that compliance with court decisions is not merely an institutional duty but also a matter of personal accountability, reinforced by the tangible threat of financial consequences.

When Forced Money Began to Be Imposed on Officials

The discussion of forced money (*dwangsom*) is not only significant in terms of its conceptual foundation and objectives, but also in determining when this instrument begins to apply to officials who fail to implement court decisions. Establishing the precise starting point of the obligation to pay forced money is crucial, as it directly influences the effectiveness of this mechanism as a coercive means to compel officials to promptly execute judgments. Without a clear determination of when the enforcement begins, forced money risks losing its function as an instrument of compliance, thereby creating legal uncertainty for the parties involved. Consequently, it becomes essential to analyze how existing legal frameworks and judicial practices define the commencement of the *dwangsom* obligation within the context of Indonesia's administrative judiciary.

Normatively, Article 116 paragraph (7) of Law Number 51 of 2009 stipulates that:

“Forced money as referred to in paragraph (4) applies and can be implemented from the moment the decision acquires permanent legal force.”

This formulation clarifies that the starting point for the imposition of forced money arises once the decision of the State Administrative Court (PTUN) has obtained permanent legal force (*inkracht van gewijsde*), meaning that all ordinary legal remedies have been exhausted or the statutory time limit for filing them has expired. This provision ensures legal certainty, as the obligation to pay forced money does not take effect immediately upon the pronouncement of the verdict but only after there remains no procedural avenue for further appeal or cassation. Accordingly, this mechanism strikes a balance between fairness and enforcement: on the one hand, it upholds the right of administrative officials to pursue legitimate legal remedies; on the other, it guarantees that once a decision becomes final and binding, there is no longer any valid justification for delaying its execution. Thus, the rule strengthens both the authority of the judiciary and the principle of legal certainty in the enforcement of administrative court decisions.

Procedures for the Imposition and Implementation of Forced Money

The discussion about who deserves to be burdened with the obligation to pay forced money and when the forced money can be imposed is indeed an important starting point. However, this thinking will have no practical meaning without further explanation of how the forced money is run. Therefore, after emphasizing that the burden of payment should be borne personally by non-compliant administrative officials, and the enforcement of forced money is carried out after the PTUN decision has permanent legal force, the next discussion shifts to the mechanism or procedure for the implementation of forced money so that the main goal, which is to force compliance with court decisions, can really be achieved. The mechanism is as follows:

1. The application for the imposition of forced money and its amount is submitted at the same time in the lawsuit;
2. In the event that the lawsuit does not contain an application for the imposition of forced money and its amount, the judge or panel of judges at the preparatory examination stage suggests to the plaintiff to submit it;
3. The granting or rejection of the application for the imposition of forced money and its amount as referred to in number 1 is stipulated in the verdict;
4. In the event that the judge or panel of judges grants the lawsuit, the imposition of the payment of forced money and its amount must be described in legal considerations along with the subject matter;
5. The judge or panel of judges shall determine the amount of forced money based on the plaintiff's request, taking into account the legality of the law, and shall not exceed the amount requested by the plaintiff;
6. Forced payment can only be imposed if a lawsuit is granted that requires the defendant to:
 - a) revoke the State Administrative Decree that is the object of the dispute and issue a new State Administrative Decree; or
 - b) issue State Administrative Decrees;
7. The imposition of forced money takes effect from the time the judgment acquires permanent legal force, within a grace period of 14 (fourteen) days after the judgment is read or after it has been legally notified;
8. The imposition of forced money is imposed on the person of the official who is not willing to implement a court decision that has permanent legal force;
9. A copy of the judge's decision that has permanent legal force regarding the imposition of forced money is submitted by the clerk to the superiors of government officials and the salary treasurer at the agency of the official concerned;
10. The imposition of forced money is carried out through deductions of basic salary and performance allowances or the like in accordance with the provisions of payroll at the relevant official agency;
11. Forced withdrawal of money is made every month at the same time as the payment of basic salary, performance allowances, and/or the like by the salary treasurer;
12. The salary treasurer deducts the basic salary and performance allowance or the like based on a court decision that has permanent legal force, and submits the payment of forced money to the plaintiff or his heirs;
13. The obligation to pay the forced money stops by itself when the defendant implements a court decision that has permanent legal force.

CONCLUSION

The state administrative court functions as a guard of legal certainty, but practice shows that there are still many officials who do not comply with the ruling, thus weakening the authority of the judiciary. Forced money (dwangsom) is an important instrument to force official compliance, although until now the implementation mechanism has not been clearly regulated. Based on the theory of authority, responsibility, and legal effectiveness, forced money should be charged to officials who neglect to carry out the decision, because non-compliance is a personal fault, not a fault of position. Forced money can only be applied to judgments that are condemnatorial and come into effect after the judgment has permanent legal force. According to the author, the mechanism for the implementation of forced money in the state administrative court is as follows:

1. The application for the imposition of forced money and its amount was filed at the same time in the lawsuit;
2. In the event that the lawsuit does not contain an application for the imposition of forced money and its amount, the judge or panel of judges at the preparatory examination stage suggests to the plaintiff to submit it;
3. The granting or rejection of the application for the imposition of forced money and its amount as referred to in number 1 is stipulated in the verdict;
4. In the event that the judge or panel of judges grants the lawsuit, the imposition of the payment of forced money and its amount must be outlined in legal considerations along with the subject matter of the case;

5. The judge or panel of judges determines the amount of forced money based on the plaintiff's request, taking into account the legality of the law, and must not exceed the amount requested by the plaintiff;
6. Forced payment of money can only be imposed if a lawsuit is granted that requires the defendant to:
 - a) revoke the State Administrative Decision that is the object of the dispute and issue a new State Administrative Decision; or
 - b) issue a State Administrative Decree;
7. The imposition of forced money is effective from the time the judgment acquires permanent legal force, within a period of 14 (fourteen) days after the judgment is read or after it has been legally notified;
8. The imposition of forced money is imposed on the person of an official who is not willing to implement a court decision that has permanent legal force;
9. A copy of the judge's decision that has permanent legal force regarding the imposition of forced money is submitted by the clerk to the superiors of government officials and the salary treasurer at the agency of the official concerned;
10. The imposition of forced money is carried out through deduction of basic salary and performance allowances or the like in accordance with the provisions of payroll at the relevant official agency;
11. Forced withdrawals are made every month along with the payment of basic salary, performance allowances, and/or the like by the salary treasurer;
12. The salary treasurer makes deductions of basic salary and performance allowances or the like based on a court decision that has permanent legal force, and submits the payment of forced money to the plaintiff or his heirs;
13. The obligation to pay the forced money stops by itself when the defendant implements a court decision that has permanent legal force.

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