

**The Utilization of the Executive Coercion Competence
In the Administration of Government
In Bali Province**

I Wayan Suandi

Abstract

This research deals with three legal issues. First, the utilization of the executive coercion competence is not in line with the characteristics of public law, reparatory and discretionary power. Second, the executive coercion procedures are not in accordance with its basic rule. Third, the traditional village organs (Desa Pakraman) apply adat legal norms in public law activities concerning the utilization of the executive coercion competence.

These legal issues are approached by the statute and the case approaches and are studied in three steps include : description, systematization, and explanation. The first step describes about legal materials and interprets vague legal norms grammatically, officially and legal historically. The second step analyses the meaning and the structure of legal norms and the coherence of it. The last step explains the significance of legal norms so that all of it form an unit that are connecting each other in a logical manner.

The research indicates that the utilization of the executive coercion competence is not in accordance with the characteristics of public law, reparatory and discretionary power. The mandat which is misinterpreted to be delegation power, results in an incompetent state administrative decision. Due to incorrect classification by which administrative legal norms are classified to be criminal acts causes that the procedures are superfluous and are inconsistent with its basic rule. As a result, the executive coercion competence is utilized and based on ordinary court decision.

The participation of traditional village organs (Desa Pakraman) in the utilization of the executive coercion competence includes active cooperation in decision making and active in its implementation. It is based on the Tri Hita Karana, a fundamental concept of life of Balinese.

Key words : utilization of the executive coercion competence, characteristic of the executive coercion, procedure, participation of traditional village organs.