

ABSTRACT

This dissertation research constitutes normative legal research by a legal approach, a conceptual approach as well as a case law approach. The core issues of this research are about the enforcement of Administrative Court decisions. The legal issues are divided into three sub-legal issues; those are, firstly, it is about what the criteria of Administrative Court decisions that could be engaged in coercive measures are. Secondly, it is dealing with the amendment of Administrative Court Procedures as to whether there are principally juridical alterations on the execution of decisions since the Administrative Courts have initially operated up to now. Thirdly, whether judges are entitled to deciding an order of penalty in case of non-compliance (*dwangsom*) and other administrative sanctions against Administrative Officials (defendants) who do not enforce the Administrative Court decisions and whether the Administrative Officials are personally responsible for the penalty.

The research result shows that there are positive answers to the legal issues; those are, firstly, that the criteria of decisions which could be engaged in coercive measures with penalty in case of non-compliance and administrative sanctions are Administrative Court decisions that must be finally and permanently binding (*in kracht van gewijsde*) and punitive (*condemnatoir*), which require an administrative official revoke his decision that has been decided by an Administrative Court as a null and void and unlawful decision, and issue then a new administrative decision instead. Secondly, the amendment of the Administrative Court Procedures has caused principle changes to the enforcement (execution) of Administrative Court decisions, from initially enforcement by the voluntary and hierarchical system to enforcement by penalty in case of non-compliance and administrative sanction system. Thirdly, Administrative Court judges are entitled to burdening the amount of penalty to administrative officials personally, and have authority to order the other competent administrative official to give an administrative sanction to an administrative official (a defendant) who will not enforce an administrative court decision.

Keywords: Administrative court decisions are binding as law, enforced by courts and needed to provide legal protection to administrative officials and citizens