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Chapter 3

When Things Get Serious: Reflections on the Legitimacy of Local Administrative Sanctions in Belgium

Tom Vander Beken and Christophe Vandeviver

Introduction

Research has shown that people obey the law and cooperate with legal authorities primarily if and when they believe those legal authorities are legitimate (Tyler 2006). Legitimacy can be formally defined as the right to rule and the recognition by the ruled of that right (Sternberger 1968). In that respect, legitimacy can be seen as a sort of quality label for authorities that is attributed by society as a whole. With this label authorities can justify their interventions and use of force against certain members of this society. Moreover, in theory legitimacy is, or could be, a normative discussion about certain standards that states and institutions ought to meet. In contrast to this, empirical legitimacy is believed to be easier to define and measure (Hough et al. 2010) as it does not focus on theoretical standards, but rather on the attribution of legitimacy to an authority or an institution.

There is a strong line of research that considers legitimacy a product of how authorities treat citizens and make decisions when they are exercising their regulatory power (Schulhofer, Tyler and Huq 2011, Jackson et al. 2012). Legitimacy is conceptualised in terms of procedural justice and fairness in decision-making, including neutral and non-discriminatory behaviour and fair interpersonal treatment (Tyler 2011).

In this chapter, we aim to explore discussions about legitimacy in the context of local administrative sanctions in Belgium. In 1999 a new sanctioning system was introduced in Belgium, allowing local municipalities to define, report and sanction certain behaviours that are perceived as public nuisance. So far, no specific questionnaires and survey questions that tap into the appreciation and trust of the general public in the local administrative sanctioning system in Belgium have been administered. For our current study, we have cursorily examined the 2,694 articles on local administrative sanctions that have been published in a selection of Flemish newspapers since 1999 until 2013.

With this scan we aim to capture the evolution of the perception of this new sanctioning system in a part of Belgium and feed this into the discussions on legitimacy.

The Background

To understand the introduction of the system of local administrative sanctions in Belgium, it is necessary to briefly introduce the political background in Belgium relating to issues of crime and safety.

In the last decades of the twentieth century, Belgium suffered under various events and scandals that shook the political institutions and challenged their authority to deal with issues of crime and safety. In the 1980s, there were the extremely violent raids and killings of the Brabant killers (Bende Van Nijvel), terrorist attacks of the Communist Combatant Cells (Cellules Communistes Combattante), the death of 39 football supporters at the 1985 European Cup Final in the Heysel Stadium and many other incidents that led to the image of a malfunctioning police apparatus and justice system. In combination with an emerging concern about the increased migration, a rapidly changing demographic situation in the major cities and the political success of the extreme right Vlaams Blok (in 1991) in Flanders (one of the three Belgian regions), the Belgian situation was described as a legitimacy crisis of politics and politicians (Huyse 1996). In 1996, the Dutroux case on the abduction, sexual exploitation and murder of children once again disclosed a serious malfunctioning of police and justice. In October 1996 more than 300,000 Belgians held a White March in Brussels to show their distrust and discontent with the current situation.

In this period, crime rates remained rather stable but showed a rise in (the reporting on) petty crimes. Especially in the major cities, feelings of insecurity became a political issue. Several safety questionnaires, the so-called Security Monitors, were conducted from 1997 onwards. The results showed that feelings of insecurity were not so much related to serious crime issues but rather and far more to all sorts of nuisances and petty crimes, the so-called incivilities. Consequently, tackling people's concerns about these incivilities became a prominent political issue. The introduction of a sanctioning system that could aptly and swiftly react to those incivilities perfectly fits within this political undercurrent.

There is, however, more to be said about the introduction of the system of local administrative sanctions in Belgium. Though, at the time, many aspects of Garland's (2001) culture of control could also

be discerned in Belgium, research has shown that in relation to the context of the development of local administrative sanctions the Belgian situation seems to differ from what can be observed in the Anglo-Saxon context (Devroe 2012). Similar to findings on the Belgian penal policy (see Snacken 2007), aspects relating to social welfare seem to be able to keep its own place in this late modern society. Belgian society does not cover all features of a real culture of control (Devroe 2012).

There are arguments that the constitutional reforms since 1980 onwards that provide a partial explanation for this. The constitutional reforms have transferred certain policy domains and regulatory powers from the federal to the regional level (communities and regions). In this transfer, most social welfare (and preventive) instruments have been attributed to the regions and communities (education, environment, labour, urban planning, care, etc.). This implied a considerable loss of power for the federal level and made it impossible to keep all aspects of crime control and safety policy in the hands of the federal authorities. After the constitutional reform, the federal state was only left with issues of repression (Ministry of Justice) and public order (Ministry of the Interior). Confronted with the urgent call for action against feelings of insecurity in a country in which the demarcation between social preventive action (welfare) and public order and repression (penal) is firmly embedded in the constitution, the federal state developed the repressive part of the policy. Yet, this did not mean that the repressive line was the only policy line. Following, and maybe thanks to, the constitutional division, other actors explicitly took up and developed social welfare and preventive action. In a broad sense, the reaction to public insecurity was therefore not limited to public order and repression alone. In a strict sense, however, it mainly came down to a punitive reaction: a federal instrument sanctioning incivilities in the cities.

The System of Local Administrative Sanctions

The Act of 13 May 1999 introduced a system that empowered municipal authorities to define certain behaviour as public nuisance (incivilities) and to sanction such conduct with a local administrative sanction (mostly fines) and an option to appeal to the police court. The Act of 1999 allowed municipal authorities only to react to those types of behaviour for which neither the federal nor the regional Parliament has provided penalties. In other words, municipalities could only react to 'new' types of public

nuisance that have not been already addressed by the existing legislation and sanctioning system. In practical terms, local administrative sanction legislation proved to be an empty barrel for the municipalities. As the overlap with existing provisions elsewhere was formally excluded, local councils had not much room for manoeuvre. Moreover, the Act of 1999 allowed municipalities to draft their own laws, but did not allow them to appoint designated enforcement staff. Incivilities could only be established by a report made by the police (Devroe 2008).

In 2004 and 2005, several acts¹ amended the initial local administrative sanctions legislation allowing municipalities to sanction certain ‘mixed violations’, i.e. behaviour that qualifies both as a criminal offence and a local incivility. ‘Milder’ mixed violations could only be sanctioned by the local authorities if the public prosecutor refrained from prosecution. More ‘serious’ mixed violations could only be the subject of a local administrative sanction if the public prosecutor deliberately transferred the case to the municipal authorities. From 2005 onwards, municipal officers could draft reports and establish incivilities in addition to the police. With the amended law, minors (16–18-year-olds) could also be subjected to a local administrative sanction; however, only after they have been invited to participate in the mediation (Vander Beken 2005).

A bill was introduced in 2012 to lower the age limit for the application of local administrative sanctions and to increase the amount of the fines. If these proposed amendments are accepted,² it will be possible to subject 14-year-olds to a local administrative sanction and the minimum and maximum fines will be raised from €125 to €175 and €250 to €350, respectively.

Taking only the implementation rate in the municipalities into account – i.e. whether or not the municipal authorities have drafted a special set of local rules with definitions of incivilities and have set up a local sanctioning system – the legislation on local administrative sanctions can be considered a success. According to the umbrella organisation of Flemish municipalities, just 10 per cent of all Flemish municipalities had implemented the system in 2005 (VVSG 2012). In 2012, already 83.12 per cent

¹ The Acts of 7 May 2004, 17 June 2004 and 20 July 2005.

² In its plenary session of Thursday May 30 2013, the Federal Parliament adopted the bill with ample majority. Currently, the text is to be evaluated one last time by the Council of State. It is expected that the law will be published in July in the *Moniteur Belge* and it will enter into force on the first day of the sixth month following publication.

(N=256) of the Flemish municipalities had implemented the local administrative sanctions. Only 28 (9.09 per cent) have not implemented the system to date, while 8 (2.60 per cent) are planning to implement it shortly and 16 (5.19 per cent) are still considering whether to implement it or not.³

A Small-Scale Exploratory Media Study

In order to substantiate our discussion about the legitimacy of local administrative sanctions in Flanders, a small-scale exploratory media study was set up using a quantitative and qualitative design.

The quantitative part of this chapter aims to gain insight in the number of articles on the local administrative sanctions that have been published in the Flemish newspapers and the evolution in publishing frequency throughout the adopted time frame. In a sense, it also allows for an initial substantive screening of the various topics that may be relevant for the discussion on empirical legitimacy and procedural justice. It focuses on general trends, rather than on specific content. A major critique regarding the procedural fairness of the local administrative sanctions has to do with the fact that the entire procedure is dominated by the municipal authorities, from the definition of undesirable behaviour down to the imposition of the sanction. In that respect, what is in particular mentioned is the fact that the municipal authorities act as judge while lacking the constitutionally required independence (Vander Beken 2004). This prompted us to adopt a series of search strings related to judges and courts.

In the qualitative part of this paper, we focused on a selection of editorials and opinion articles about the local administrative sanctions. The aim of this part is to get a deeper insight into the substantive discourses and the various critiques on the local administrative sanctioning system. In a sense, this section complements the quantitative part by trying to find out what the broader discussion is about; as the quantitative part of this paper especially seems to tell us what the discussion is not about – this will be further elaborated on later on.

Media Coverage on Local Administrative Sanctions Related to Procedural Justice

³ For a geographical distribution of these four categories of municipalities, see VVSG 2012 (scroll down for a map ‘GAS – invoering Vlaanderen – 1/8/2012’). Green coloured are the municipalities that have implemented the local administrative sanctions legislation, red represents those that have not implemented the local administrative sanctions legislation, light green ones plan to implement the local administrative sanctions legislation shortly, while those that are still contemplating the potential implementation are coloured purple.

Design

The quantitative study used predefined search strings relating to local administrative sanctions, in general, and their legitimacy, in particular, to perform a cursory examination of the Mediargus database. Mediargus is an online, daily press-monitoring database that indexes the paper and online editions of all Flemish newspapers as well as a selection of paper magazines. For this exploratory study, however, we only took into account the paper editions of those Flemish newspapers that have been indexed uninterruptedly since the inception of the local administrative sanctions legislation. This strategy has the advantage that it excludes duplicate articles that have been published both in the online and paper edition of a particular newspaper and that fluctuations in the number of articles found are not caused by the discontinuation of certain newspapers during the study period (e.g. *Het Volk*). In particular, only the paper editions of *De Morgen*, *De Standaard*, *De Tijd*, *Gazet van Antwerpen*, *Het Belang van Limburg*, *Het Laatste Nieuws* and *Het Nieuwsblad* have been included, resulting in a mix of broadsheet and tabloid newspapers.

The media study spanned a total of 14 years and included articles that have been published between 1 January 1999, the year when the original Act on the local administrative sanctioning system was introduced, and 31 December 2012 inclusive.

The relevant topics were operationalised using search strings, while common Boolean search strategies were adopted to obtain the required information and further our goal to substantiate our initial claims.⁴ First, we determined how many articles related to the local administrative sanctions have been published in the Flemish newspapers in the considered time frame. This helps to illustrate the presence or absence of local administrative sanctions in the media debate and allows linking the activity of the written media to the legislative process and the public debate. Second, the presence of specific procedural issues, such as the fact that local administrative sanctions are imposed by a municipal officer and not by an independent judge, was scrutinised.

⁴ The search strings and strategies are (translated from Dutch): 'local administrative sanctions' OR 'local administrative sanction'; 'local administrative sanctions' +judge OR 'local administrative sanction' +judge.

Both the absolute number of articles that relate to a particular search strategy as well as the relative number of articles have been considered. The relative number of articles was obtained by dividing the number of articles that a particular search strategy yielded in a given time window by the total amount of articles that relate to local administrative sanctions in general for that same time window. Arguably, this latter measure is more appropriate to discuss the importance of a particular topic since it corrects for an inflation of the overall number of articles on the local administrative sanctions. If the total amount of articles on the local administrative sanctions increases, one could expect by the same token that the number of articles on a related topic would also increase. When scrutinising only the absolute number of articles on a related topic, one could erroneously conclude that this particular topic has increased in importance and presence in the media debate, while the relative number of articles could signal that, in fact, this particular topic only makes up a fraction of the total number of articles on the local administrative sanctions.

Results

We begin with gauging the total number of articles on local administrative sanctions that have been published in the Flemish newspapers since the introduction of the legislation on local administrative sanctions. Over the past 14 years, the local administrative sanctions have been well covered by the media: a total of 2,694 articles discussed the local administrative sanctions, with the majority of articles having been published in the past three years. Looking at the absolute number of articles related to local administrative sanctions in Flemish newspapers, three major periods can be distinguished, which correspond to the initial introduction of the legislation (1999–2004), the amendments resulting in a broader applicability (2005–11) and the suggested second amendments potentially resulting in a lower age limit and increased amount of fines (2012).

The first period covers the years 1999 to 2004 and corresponds to the introduction and the first hesitant steps towards the implementation of the local administrative sanctions legislation. Although the local administrative sanctions legislation was introduced in 1999 and empowered local authorities to sanction certain types of unwanted behaviour, its scope was rather restricted and limited until the adopted

changes in 2005 and only a handful of local authorities decided to use these newly introduced sanctioning powers. The limited implementation seems to be reflected in the scant number of articles that are devoted to local administrative sanctions. During this six-year period, only 21 articles on local administrative sanctions have been published, averaging at just over three articles a year (concretely, three in 1999, two in 2000, seven in 2001, one in 2002, two in 2003 and six in 2004).

The second period covers the years 2005 to 2011. In 2005, the Federal Parliament amended the initial legislation and broadened its applicability. These amendments allowed local authorities to sanction additional types of behaviour, granted certain civil servants the right to draw up reports in addition to police officers and made it possible for minors between the ages of 16–18 to become subject to a local administrative sanction. The adopted amendments were clearly aimed at strengthening the legislation and resulted in a more widespread implementation, which seems to be mirrored by the steadily increasing number of articles on the local administrative sanctions that have been published in the paper editions of the Flemish newspapers during this seven-year period. A total of 2,075 articles have been published during this period (120 in 2005, 200 in 2006, 289 in 2007, 333 in 2008, 383 in 2009, 325 in 2010 and 425 in 2011), with an average of 296 articles per year. After the initial surge from 4 articles in 2004 to 120 articles in 2005, every following year saw the number of articles on the local administrative sanctions steadily increasing, culminating in a total of 425 articles in 2011. Although a small decrease can be observed in 2010, the overall trend is positive and shows that the number of articles on the local administrative sanctions increases year after year, signalling that the local administrative sanctions are a topic that is very present in the media.

The last period covers the last year (2012) and seems to coincide with the increased attention for local administrative sanctions following the proposed amendments to lower the age limit for the application of local administrative sanctions to 14-year-olds and to increase the amount of the fines. In 2012, an all-time high of 598 articles have been published that discussed the local administrative sanctions, denoting an increase of approximately 40 per cent in comparison to the year before. This

highpoint in the number of articles on the local administrative sanctions suggests that they featured prominently in the media debate in the past year.

Next, we turn our attention to the salience of the fact that municipalities take the role of a judge in the application of the local administrative sanctioning system⁵ in the surrounding media debate. Since the introduction of the legislation in 1999, 108 articles discussing this particular topic have been published. Relatively speaking, however, 4.01 per cent of all articles on local administrative sanctions touch upon judicial control in one way or another. Arguably, the (non-)involvement of a judge as a major critique related to the procedural issues seems of little importance in the media debate on local administrative sanctions.

Looking at the relative number of articles related to ‘judicial involvement’ and ‘local administrative sanctions’, published in selected Flemish newspapers between 1999 and 2012 more light is shed on the evolution of the relative importance of discussions about the judicial role in the media debate surrounding local administrative sanctions. Generally speaking, this ‘judicial’ aspect seems to be little present in the media debate surrounding the local administrative sanctions. In the initial period leading up to the first amendment of the legislation, the judicial role can be seen as an important theme in the media debate surrounding the local administrative sanctions. The relative number of articles shows that one out of three articles and half of all articles in 1999 and 2000 respectively focus on judges and their role in the local administrative sanctioning system. However, the theme quickly dwindles and becomes less important in the media debate. In 2012, just over 5 per cent of all articles are in some way related to the role of the judge. Although in the last three years there seems to be a small increase in the importance of this topic in the media debate, the relative number of articles stays well below the 2000 all-time high. In essence, the figures suggest that judicial involvement was an important media topic following the introduction of the legislation on local administrative sanctions but that it was later quickly forgotten and kept playing only a small role in the media debate. In a way, these figures show that the media debate does not heavily focus on the major procedural issues critique.

⁵ It should be pointed out that a judge *is* involved when an appeal is made.

Evolution in the Media Discourse on Local Administrative Sanctions

Design

The qualitative study was also exploratory in nature and tapped into the Mediargus database. It focused predominantly on editorials and opinion articles discussing the local administrative sanctions. For the qualitative part, we included the paper editions of a selection of Flemish newspapers.⁶ The adopted time frame for the qualitative part spanned a total of 14 years and is not different from the quantitative study.

The goal of the qualitative part was to unearth the substantive discussions on and criticisms of the local administrative sanctions. Using the results of the qualitative part, we intend to outline the media debate. We also aim to uncover how the media perceives the local administrative sanctions and how this perceptions shifts, if it shifts at all, in the past 14 years.

The initial results from the quantitative study were supplemented with a number of search hits in Flemish news magazines. The editorials and opinion articles that discussed the local administrative sanctions were scanned and a selection of relevant articles was made. These articles were synthesised and clustered according to three criteria: (1) the period in which they were published, (2) the discourse or the tone of the article, and (3) which group's opinion is being represented.

A Well-Supported Idea with Only Some Conceptual Remarks (1999–2005)

In the initial period of the local administrative sanctions legislation, characterised by its inception and the rather hesitant steps taken by the Belgian municipalities to put the legislation in practice, the media debate primarily focuses on the aim and scopes of the local administrative sanctions legislation. Particular attention is paid to the central goals of the legislation and the reasons why this particular legislation is needed are outlined. The adopted discourse in the media can best be described as one that leaves little room for a thorough criticism of the local administrative sanctioning system. The local administrative sanctions are characterised as a much needed and very effective instrument that is not too expensive for the taxpayer.

⁶ These are the same as the ones included for the quantitative part of this paper.

The safety monitor shows that citizens especially worry about so-called petty crime like problems with neighbours, dog poop in the public space, noise, flyposting, graffiti etc. This, however, remains unpunished. Luc van den Bossche, Minister of the Interior, wants to do something about this. (Geudens, *Gazet van Antwerpen*, 16 January 1999)

There is indeed a cost for the municipalities [related to the local administrative sanctions (or LAS)], but if the system is applied well, it will be self-financing. (Tollenaere, *Gazet van Antwerpen*, 27 March 2004)

The LAS [are] a strong weapon in the fight against petty crime. Lokeren should finish its homework and be able to start at once. (D.V.R., *Gazet van Antwerpen*, 2 October 2004)

Notwithstanding the broad media support for the local administrative sanctioning system, some critiques are observed in the debate. These pertain to the formal aspects of the local administrative sanctions. In particular, the system of local administrative sanctions is questioned for being conceived as a parallel system to the criminal justice system, which, however, lacks the same rigorous legal safeguards present in the latter, i.e. an impartial assessment by an independent judge. This is best illustrated by the words of Hugo Lamon, the president of the Flemish Bar Association:

If the government believes that certain acts are so refutable that they have to be sanctioned, it should include them in the criminal code ... Who guarantees that all municipalities will follow the same policy? ... What guarantees an independent and impartial treatment? ... Hopefully MPs will have enough common sense to realise that this bill will destabilise the policy of prosecutors, prosecutor-general and the minister. The local government as judge: it takes less to spit in a tram ... (Lamon, *De Morgen*, 30 December 2002)

It Works! (2006–11)

In the wake of the 2004 and 2005 amendments of the initial local administrative sanctions legislation, more municipalities implement the local administrative sanctions legislation and the system of local administrative sanctions steadily starts to run at full speed. In their coverage, the Flemish newspapers

focus on this widespread implementation, labelling it a ‘success’. Other, critical voices remain rather absent from the media debate. This is vividly illustrated by the following selection of quotes:

Almost no appeal against administrative sanctions (Van Wiele, *Gazet van Antwerpen*, 7 May 2008)

Administrative sanctions work (Bosmans, *Het Laatste Nieuws*, 10 May 2008)

Administrative sanctions widespread (P.C., *De Standaard*, 18 November 2008)

Each year 20,000 administrative sanctions in Antwerp (K.R.G., *De Standaard*, 20 February 2009)

14-year-old criminals should be punished for nuisance (Van Cauwelaert, *De Morgen*, 27 February 2010)

More and more administrative sanctions in Ghent (Vanden Bussche, *Het Laatste Nieuws*, 9 March 2010)

17 administrative sanctions for one person (Verheijen, *Gazet van Antwerpen*, 12 March 2011)

Petty crime promptly sanctioned by administrative fine in Antwerp and Ghent (Somers, *De Morgen*, 10 March 2011)

Ghent deals with impunity (Van Damme, *Het Laatste Nieuws*, 16 April 2011)

Drastic rise in administrative sanctions (Willocx, *Gazet van Antwerpen*, 22 April 2011)

Misuse, Protest and Distrust throughout Society (2012)

The tone of the media debate changes drastically in 2012: critical reports of the local administrative sanctions seem the rule rather than the exception. Maybe the local administrative sanctions are too often

used in cases when it is believed they are not really necessary and target people that do not really need to be subjected to such sanctions.

We don't want to become sheriffs (Van den Broeck, *De Morgen*, 4 April 2012)

Are we all more repressive? (Tegenbos, *De Standaard*, 12 May 2012)

Already as many local administrative sanctions as in the previous year (Van Synghel, *Het Laatste Nieuws*, 9 October 2012)

LAS is an instrument to hurt the young and socially vulnerable (Oeyen, *De Morgen*, 13 November 2012)

LAS cost higher than revenues (Maeckelbergh, *De Morgen*, 22 November 2012)

The most absurd administrative sanctions of the country (Van Bastelaere, *Het Laatste Nieuws*, 21 November 2012)

These critiques lead to remarkable protests where the legitimacy of the system itself is questioned:

Flanders has become a strained old people's home. Local administrative sanctions are the end of civilisation (Jan Leyers, singer-songwriter and television personality, quoted in Van den Broeck and Dehandschutter, *De Standaard*, 12 November 2012)

It is noteworthy that the critiques comes from different actors, both in society and politics, and is broadly supported. For example, 30 social and cultural organisations published an open letter in several Flemish newspapers in which they challenge the local administrative sanctions, echoing the previously voiced concern by a major youth movement organisation:

Local administrative sanctions threaten fundamental democratic rights. When peaceful protest actions can be considered as incivilities, we disgrace the democratic rights we have fought for. The presence of activism and movements is a good indicator for the democratic level of our society. Their existence shows the room (that needs to be) given to raise critical voices and is a condition to work in a democracy where injustice can be put on the

agenda and action can be taken to create a viable society for all citizens. (Open letter of 30 social and cultural organisations reprinted in Kets, *De Standaard*, 11 October 2012)

We dream of a society in which you can put your feet on the seats and party without fines ... Local administrative rules sanction these dreams and turn them into a nightmare. Being young has become a criminal act. (Chirojeugd Vlaanderen, a major Flemish youth movement organisation, quoted in Rommers, *De Standaard*, 4 October 2012)

The critique is not limited to civil society. Politicians also voice their concern about the system of local administrative sanctions. For example, the political ‘father’ of the local administrative sanctions legislation and a mayor of a midsized Flemish city, both, question the system:

In this case effectiveness and principles of law should go hand in hand and balance each other ... I would reduce the law to what I have submitted in 1999. That’s what I believe in. Not in the amendments that followed. (Luc Van den Bossche, Minister of the Interior in 1999 who introduced the Bill on local administrative sanctions, quoted in De Coninck, *De Morgen*, 15 November 2012)

An administrative fine for eating a sandwich was a mistake. (Bart Somers, Mayor of Mechelen, quoted in Légère, *Het Nieuwsblad*, 3 November 2012)

Conclusions

The local administrative sanctions have been created in response to legitimacy problems in the security arena with the intention of forming a repressive capstone of an overall security policy.

The media analysis shows, however, that the local administrative sanctions are currently facing a legitimacy crisis of their own. Although the local administrative sanctioning system initially enjoyed a broad support and was considered a proactive means to actually do something about local safety problems, it is now considered a derailed system and it is threatening to lose much of its initial legitimacy.

It is remarkable that discussions on procedural justice seem to take a limited place in the broader discussions on the legitimacy (crisis) of the administrative sanctioning system. Although concerns about procedure, rule of law and legality have been raised in the wake of the inception of the local

administrative sanctioning system, in particular municipal authorities acting as judges and the vagueness of the definition of nuisance, they seem to have become less dominant than expected in the legitimacy debate. Currently, it seems as if the legitimacy of the local administrative sanctions is challenged much more for its consequences – all of us and not just ‘the others’ are affected – than for the lack of formal integrity of the system itself.

The local administrative sanctioning system has been able to develop outside and alongside other components of the Belgian security policy. The result of this development is that some local authorities have explicitly included their local administrative sanctioning policy in an overarching security policy while others have not. A possible explanation for the legitimacy problems and perceived derailment of the local administrative sanctioning system may be sought at that level. Although in many cities local administrative sanctions are part of a broader safety and prevention policy and treated as the repressive culmination of such a policy, an increasing number of municipalities adopt the local administrative sanctions as an autonomous instrument of a strict control policy. They are convinced that ‘in a risk society there is no fear of control, but of chaos’ (Van den Broeck 2012: 45). Clearly, they are mistaken.

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