

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

Ref. 111

Vientiane, Dated 11 August 2008

PRESIDENTIAL DECREE
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Law on Judgment Enforcement

Pursuant to Chapter VI, Article 67, paragraph 1 of the Constitution of the Lao People's Democratic Republic which provides for the promulgation of the Constitution and of laws that have been adopted by the National Assembly;

Pursuant to Resolution No. 97/NA, dated 25 July 2008 of the National Assembly of the Lao People's Democratic Republic on the approval of the Law on Judgment Enforcement (revised version);

Pursuant to Letter No. 25/SC, dated 11 August 2008, of the Standing Committee of the National Assembly.

The President of the Lao People Democratic Republic
Decrees That:

- Article 1.** The Law on Judgment Enforcement (revised version) is hereby promulgated.
Article 2. This decree shall enter into force on the date it is signed.

President of the Lao People's Democratic Republic

[Signature and Seal]

Choummaly Sayasone

**LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY**

National Assembly

Ref. 97/NA

**Resolution of
The National Assembly
Of Lao People's Democratic Republic
On Approval of the Law Judgment Enforcement (Revised Version)**

With reference to article 53, paragraph 2 of the National Constitution and article 3, paragraph 2 of the Law on National Assembly of the Lao People's Democratic Republic on the Rights and Duties of the National Assembly;

After full consideration made at the 5th ordinary session of the National Assembly, 9th legislature concerning the contents of the law on judgment enforcement (revised version) in the afternoon agenda of the meeting on 25 July 2008,

The Meeting Agrees:

- Article 1: Approval of the law on judgment enforcement (revised version);
Article 2: This resolution shall enter into force on the date it is signed.

25 July 2008
President of the National Assembly

[Signed and Sealed]

Thongsing Thammavong

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

Ref. No. 04/NA
Vientiane, date 25 July 2008

LAW ON JUDGMENT ENFORCEMENT
(Revised Version)

Part I
General Provisions

Article 1. Purposes of the Law

This Law on Judgment Enforcement sets out principles, rules, procedures, methods and measures on the enforcement of civil judgments; it defines the status, roles, rights and mandates of judgment enforcement organizations from central to grassroots levels, including the duties of the judgment enforcement officers in charge of enforcing judgments, for the purpose of ensuring the enforceability of judgments in a proper, strict, prompt and unified manner nation-wide; [it aims to] strengthen State authority and the rule of law, to protect the State and the collectives, [to protect] the legitimate rights and interests of the collectives and citizens, and to enhance social security, public order and justice.

Article 2. Enforcement of Judgments

The enforcement of judgments refers to the execution of final, legally effective and proper court instructions, orders, decisions and other juridical acts, as provided in Article 5 of this law, in order to rehabilitate the rights and interests of the State, collectives and citizens that have been violated or breached.

Article 3 (New): Explanatory Notes

The terminologies used in this law have the following meanings:

1. **Order** means a legislative document which has administrative features, and it is issued by the court, for example, order to enforce the meeting minutes of court mediation, order to freeze or seizure order;
2. **Final Order** means a legislative document of the people's court which has judiciary features. The court jury makes a decision before court judgment, such as a final order on medical treatment cost before damage compensation in a case; a final order to certify documents of public notary office;
3. **Judgment** means a court decision of people's district court, municipal court, and provincial or capital court;

4. **Court ruling** means a court decision made by provincial people's court, court of capital level as appellate level, a decision made by appellate court or made by the people's supreme court as appellate level;
5. **Settlement report of court mediation** means a document certifying the results of court mediation. The decision made in the court mediation is enforceable as a final court judgment;
6. **Mediation settlement agreement** of the committee for economic dispute resolution means a document certifying the results of mediation of the committee for economic dispute resolution;
7. **Decision of the committee for economic dispute resolution** means a decision made by the committee for economic dispute resolution;
8. **Appeal request** means a booking to appeal within twenty days as from the date when the court makes a judgment before the two parties or as from the date when the two parties are informed of the judgment in case the parties cannot appear at the court on the day when the judgment is made;
9. **Appeal application** means an application of a party or a third party by expressing reasons for appealing;
10. **Cancellation of request** means a booking to cancel within sixty days as from the date when the court makes a judgment before the two parties or as from the date when the two parties are informed of the judgment in case the parties cannot appear at the court on the day when the judgment is made;
11. **Cancellation of application** means an application of a party or a third party by expressing reasons for cancellation;
12. **Application for objection** means an appeal request or application for cancellation from the people's prosecution office;
13. **Litigants** of the case means plaintiff and defendant;
 - Plaintiff means individual(s), organization(s) or enterprise(s) filing the case to the court indicating that his/her, or their rights is/are violated / breached;
 - Defendant refers to individual(s), organization(s) or enterprise(s) being sued that he/she or they violate(s) or breach(es) the rights of other person(s);
14. **Third party** refers to a person(s) who is involved in the case but who is not the plaintiff or defendant who is summoned by the court or the third party intends to participate in the case proceeding in order to protect his/her rights and benefits;
15. **Seizure** means taking the property of litigants under the control of state officers to secure the case proceeding and to compensate for any losses;
16. **Freezing** means issuing an instruction by public prosecutor, people's court, and judgment enforcement organization concerning fixed assets, movable assets including bank account so that there is no buying, selling, transferring, exchanging, pawning, guaranteeing, changing or damaging to the assets;
17. **Confiscation** means taking the whole or parts of property of offenders to become state assets without compensation. there are prohibitions concerning confiscation in the attachment list of the Penal Law;
18. **Confiscation of objects** means taking objects or assets involved in the offence, used in the offence or derived from the offence to become state assets following court judgment;
19. **Suspension** means cessation of enforcement of court judgment temporarily. When the reasons of suspension is over, enforcement of court judgment shall continue;

20. **Modification** means the change in enforcement of court judgment partly or in total made by enforcement officers in case there is unlawful or inappropriate act concerning the enforcement of court judgment or the laws and regulations;
21. **Cancellation** means cessation of enforcement of court judgment completely;
22. **Abolishment** means the cancellation of enforcement of court judgment entirely including all judgments since the past until the present time;
23. **Withdrawal** means the proposal of enforcement official not to participate in court judgment of a given case with the reason that he/she is not related to the case;
24. **Recusal** means the application of litigants or third parties to prevent the participation of law enforcement officers in the enforcement of judgment;
25. **Temporary enforcement** means enforcement by the court of first instance or any appeal level in urgent case before final judgment or ruling is made;
26. **Choosing to enforce the judgment** means enforcement by taking options in favor of friends, group of people to enforce certain parts before others or to give benefits to another party unlawfully;
27. **Summon** means order of investigation body, public prosecutor, people's court and enforcement bodies requiring the police to bring in a person to appear in the organization that issues the order in accordance with the laws and regulations;

Article 4 (new). Final Court Judgment

Final court judgments refers to enforceable decisions of a court in respect of which no one, whether the plaintiff, the defendant, any third person or the public prosecutor, has requested or lodged an appeal, cancellation or objection or it refers to the ruling of the People's Supreme Court.

Final court judgments are enforceable

Final instructions, final orders, final decisions at first instance, final decisions on appeal and final decisions on cassation are as follows:

1. Final instructions, orders and decisions at first instance of the district or municipal people's court, in respect of which no one, whether the plaintiff, the defendant, any third person or the public prosecutor, has requested [or lodged] an appeal, or objection;
2. Final instructions, orders and decisions at first instance of the provincial or capital people's court, in respect of which no one, whether the plaintiff, the defendant, any third person or the public prosecutor, has requested [or lodged] an appeal, or objection;
3. Final instructions, orders and rulings at first instance of the appellate level of provincial or capital people's court, and rulings of appellate court, in respect of which no one, whether the plaintiff, the defendant, any third person or the public prosecutor, has requested [or lodged] an appeal, or objection;
4. Final instructions, orders and rulings of the People's Supreme Court.

Article 5 (new): Court Judgments and other Judicial Acts to be Enforced

Court judgments and other juridical acts to be enforced by the judgment enforcement officers include:

1. Final preliminary civil instructions and decisions at first instance of the district, municipal, provincial and city people's court;

2. Final preliminary criminal instructions and decisions at first instance of the district, municipal, provincial and city people's court, which impose [any of the following:] civil compensation, fine, confiscation of property and items, and re-education without deprivation of liberty;
3. Final civil instructions, orders and decisions at appellate level of the provincial and city people's court and of the Court of Appeal;
4. Final appellate criminal instructions, orders and decisions at appellate level of the provincial and city people's court and of the Court of Appeal, which impose [any of the following:] civil compensation, fine, confiscation of property and items, and re-education without deprivation of liberty;
5. Civil instructions, orders and decisions [on appeal or cassation] of the Supreme People's Court;
6. Criminal instructions, orders and decisions [on appeal or cassation] of the Supreme People's Court, which impose [any of the following:] civil compensation, fine, confiscation of property and items, and re-education without deprivation of liberty;
7. Court instructions of temporary duration;
8. Settlement agreements arising from [court-conducted] mediations which have been instructed to be enforced;
9. Final court instructions, orders and decisions of foreign countries, which are acknowledged and permitted to be enforced by the People's Court of the Lao People's Democratic Republic;
10. Mediation settlement agreements and arbitration awards arising from mediations conducted by the Office of Economic Dispute Resolution, or foreign arbitral awards which are certified by the people's court and based on an international treaty or convention by which the Lao People's Democratic Republic is bound.

Article 6: Enforcement of Judgment

Court judgments and other juridical acts described in Article 4 of this law are binding on all concerned⁷ individuals and organizations that are required to strictly comply therewith.

All organizations of the Party and the government, the Lao Front for National Construction, mass organizations, social organizations, enterprises and citizens must respect this law and are obligated to cooperate with and provide necessary assistance to the judgment enforcement officers.

Article 7 (new): Principles in Judgment Enforcement

The Principles in Judgment Enforcement are as follows:

1. Compliance with court judgment;
2. Equality;
3. Educating;
4. Strict, speedy and fair;
5. Coordinating;
6. Transparent.

Article 8 (new): Withdrawal and Recusal

Where a judgment enforcement officer is related to a litigant by family ties or has an interest in the case, such judgment enforcement officer shall be required to withdraw from the enforcement process. In the absence of such withdrawal, any litigant may make a request to the provincial or city justice division⁸ or the district or municipal justice office for such officer's recusal from the enforcement of such judgment.

Part II

Judgment Enforcement Administration and Enforcing Agencies

Chapter 1

Administrative Agencies on Judgment Enforcement

Article 9: Organizational Structure of Administrative Agencies on Judgment Enforcement

The organizational system of court judgments supervising and enforcement agencies is divided into:

- The Ministry of Justice;
- Provincial, [and] city justice divisions; [and]
- District and municipal justice offices.

Article 10 (new): Rights and duties of the Ministry of Justice

1. To study and issue plans, regulations, decisions, instructions, recommendations and notices relating to judgment enforcement;
2. To disseminate and educate on court judgment enforcement and enforcement of other relevant laws and regulations to make sure that people understand and are aware to comply and provide comments to enforce the judgments in different approaches;
3. To supervise, manage and inspect technical matters concerning judgment enforcement nationwide;
4. Conduct analysis on judgments that can not be enforced and propose to relevant sectors to find solutions;
5. To modify, suspend, terminate or cancel the instructions of the judgment enforcement offices and units or to request the rescission of judicial acts, which are legally inconsistent with the judgments and legal acts of other sectoral authorities with responsibility for judgment enforcement, including to provide advice on the proper enforcement of judgments;
6. To appoint, transfer or remove the head and deputy heads of the judgment enforcement offices, in coordination with the concerned parties, based on the recommendations of the provincial or Vientiane municipality justice divisions;
7. To organize capacity building and strengthening of human resource in the areas of judgment enforcement including political ideology, ethics and technical capacity;

8. Coordinate with local authorities and other relevant stakeholders in the areas of judgment enforcement management;
9. Enhance international cooperation concerning judgment enforcement management;
10. Report to the government on regular basis on situations concerning judgment enforcement nationwide;
11. To exercise such other rights and perform such other duties relating to judgment enforcement as provided by the laws.

Article 11 (new): Rights and Duties of Provincial and City Justice Divisions

In supervising judgment enforcement, provincial and city justice divisions have the following rights and duties:

1. To supervise the organizational activities and budget, and control the implementation of the tasks of the judgment enforcement offices;
2. To administer the organization, budget and inspect the activities of the office of judgment enforcement;
3. To make proposals to the Ministry of Justice on the establishment and reform of the judgment enforcement offices, and on the appointment of heads and deputy heads of the judgment enforcement offices with the consent of the provincial and city authorities;
4. To make proposals to the governors of the provincial and city authorities on the establishment and reform of the judgment enforcement units, and on the appointment, transfer or removal of unit heads and deputy unit heads based on the proposals of the district and municipal justice offices;
5. To disseminate and educate on court judgment enforcement and enforcement of other relevant laws and regulations to make sure that people understand and are aware to comply and provide comments to enforce the judgments in different approaches;
6. To coordinate with local authorities and other relevant stakeholders in the areas of judgment enforcement management;
7. To enhance international cooperation concerning judgment enforcement management;
8. To administer the budget and expenditures concerning judgment enforcement management;
9. To report on the execution of the court judgments to the Ministry of Justice, [and to] provincial and city authorities; [and]
10. To exercise such other rights and perform such other duties relating to judgment enforcement as are provided by the laws.

Article 12 (new): Rights and Duties of District and Municipal Justice Offices

In supervising judgment enforcement, district and municipal justice offices have the following rights and duties:

1. To supervise the organizational activities and budget, and control the implementation of the tasks of the judgment enforcement units;
2. To make proposals to the provincial and city justice divisions on the establishment and reform of the judgment enforcement units and on the

- appointment, transfer or removal of heads and deputy heads of the judgment enforcement units with the consent of the district [and] municipal authorities;
3. To disseminate and educate on court judgment enforcement and enforcement of other relevant laws and regulations to make sure that people understand and are aware to comply and provide comments to enforce the judgments in different approaches;
 4. To organize capacity building and strengthening of human resource in the areas of judgment enforcement including political ideology, ethics and technical capacity;
 5. To coordinate with local authorities and other relevant stakeholders in the areas of judgment enforcement management;
 6. To administer the budget and expenditures concerning judgment enforcement management;
 7. To report on the execution of judgment enforcement to the justice divisions, [and to] district and municipal authorities; [and]
 8. To exercise such other rights and perform such other duties relating to judgment enforcement as are provided by the laws.

Chapter 2

Judgment Enforcement Agencies

Article 13. Organizational Structure of Judgment Enforcement Agencies

The organizational structure of judgment enforcement agencies consists of:

- Judgment enforcement offices; [and]
- Judgment enforcement units.

Article 14. Status and Mandate of Judgment Enforcement Offices

The judgment enforcement offices are organizations belonging to the provincial and city justice departments and have the mandate and role to enforce the judgments and other juridical acts within the scope of their functions as provided in Article 5 (new) of this law.

Article 15 (new). Organizational Structure of Judgment Enforcement Offices

A judgment enforcement office is composed of:

- A head;
- One or two deputy heads; [and]
- A number of technical staff and administrative personnel.

The rank of Head of Judgment Enforcement Office is equivalent to a deputy director of the provincial or city divisions.

Article 16 (new). Rights and Duties of Judgment Enforcement Offices

Judgment enforcement offices have the following rights and duties:

1. To study the final judgments and other juridical acts in order to prepare for the enforcement, [and], in the event that they have not yet received [such documents], to seek the case files and legal exhibits relating to such final judgments;
2. To request the court that has issued any final judgment to give a written explanation on any unclear issue;
3. To propose to the police that the police take measures against persons subject to enforcement who intentionally avoid compliance with the judgments by not allowing such persons to go abroad;
4. To summon litigants for the enforcement of the judgments;
5. To issue orders to seize, escort, fine, move and attach assets and [to issue] other instructions relating to judgment enforcement;
6. To coordinate with concerned parties to enforce the judgments;
7. To propose to higher supervision levels to seek for solutions to difficult and complicated cases;
8. To provide constant guidance and supervision of the judgment enforcement units for which they are responsible;
9. To modify, suspend, terminate or cancel the instructions of the judgment enforcement units or to request the rescission of judicial acts, which are legally inconsistent with the judgments and legal acts of other sectoral authorities with responsibility for judgment enforcement, including to provide advice on the proper enforcement of judgments;
10. To report on the enforcement of judgments to the public prosecutors at their level on regular basis or if requested;
11. To report on the enforcement of judgments to district and municipal justice divisions and judgment enforcement office on regular basis;
12. To exercise such other rights and perform such other duties relating to judgment enforcement as are provided by the laws.

Article 17 (new). Status and Roles of Judgment Enforcement Units

A judgment enforcement unit is an organization belonging to the district, [or] municipal justice office and its function is to enforce the judgments and other juridical acts described in Article 4 of this law within the scope of its responsibility.

Article 18 (new). Organizational Structures of Judgment Enforcement Units

A judgment enforcement unit is composed of:

- A head;
- One deputy head; [and]
- A number of technical staff and administrative personnel.

The rank of Head of Judgment Enforcement Unit is equivalent to a deputy head of the district, municipal office.

Article 19(new). Rights and Duties of Judgment Enforcement Units

Judgment enforcement units have the following rights and duties:

1. To study the final judgments and other juridical acts in order to prepare for the enforcement, [and], in the event that they have not yet received [such documents], to seek the case files and legal exhibits relating to such final judgments;
2. To request the court that has issued any final judgment to give a written explanation on any unclear issue;
3. To propose to the police that the police take measures against persons subject to enforcement who intentionally avoid compliance with the judgments by not allowing such persons to go abroad;
4. To summon litigants for the enforcement of the judgments;
5. To issue orders to seize, escort, fine, move and attach assets and [to issue] other instructions relating to judgment enforcement;
6. To coordinate with concerned parties in particular the village mediation unit to enforce the judgments;
7. To propose to higher supervision levels to seek for solutions to difficult and complicated cases;
8. To report on the enforcement of judgments to the public prosecutors at their level on regular basis or if requested;
9. To report on the enforcement of judgments to the provincial and municipal divisions;
10. To exercise such other rights and perform such other duties relating to judgment enforcement as are provided by the laws.

Article 20. Rights and Duties of the Heads and Deputy Heads of Judgment Enforcement Offices and Units

The head of a judgment enforcement office or unit has the rights and duties to supervise, guide and monitor the operation of such judgment enforcement office or unit. In addition, as provided in Articles 16 (new) and 19 (new) of this law, the head is responsible, in the enforcement of judgments, to the provincial, [and] city justice divisions or the district, [and] municipal justice offices.

The deputy heads of a judgment enforcement office or unit assist the head [of such office or unit] and are responsible for any task assigned by the head. In the event that the head is unable to perform his duties for any reason, the deputy heads may be assigned to act on behalf of the head.

Article 21(new). Rights and Duties of Judgment Enforcement Officers

The judgment enforcement officers have the following rights and duties:

1. To study the final judgments and other juridical acts in order to prepare for the enforcement. The judgment enforcement officers shall enforce the judgments properly in accordance with the terms of the judgments, [and with] regulations and procedures provided in this law;
2. To propose that the heads of judgment enforcement offices or units request the court that has issued any final judgment to give a written explanation on any unclear issue;
3. To summon the litigants, to notify them of the terms of the judgments and to advise and encourage them to observe [such terms];
4. To gather information on the assets and other objects of persons subject to enforcement in order to enforce the judgments;
5. To coordinate with concerned parties to enforce the judgments;
6. To propose that the heads of judgment enforcement offices or units issue orders to seize, escort, fine, move and attach assets or to propose that the police take measures against persons subject to enforcement who intentionally avoid compliance with the judgments by not allowing such persons to go abroad; and to issue other instructions relating to judgment enforcement;
7. In respect of each judgment assigned to them, to report on the enforcement of such judgments to the head of the judgment enforcement office or unit; [and]
8. To exercise such other rights and perform such other duties relating to judgment enforcement as are provided by the laws.

Article 22 (new). Criteria and Qualifications of Judgment Enforcement Officers

A judgment enforcement officer shall meet the following criteria and possess the following qualifications:

1. Be a Lao citizen and at least 25 years of age;
2. Have strong political commitment;
3. Have a good education and [have] skills, be honest and loyal to the overall interests of the nation and the citizens, and good interpersonal skills;
4. Be brave and patient to make decision and have the ability to encourage other people to enforce the judgments;
5. In terms of education, have obtained at least an intermediate level degree or be trained in law or in judgment enforcement;
6. Have at least two years of experience in judgment enforcement;
7. Be in good mental and physical health.

A head of a judgment enforcement office shall, in addition to possessing the qualifications above, be equipped with adequate working methods, possess at least five years' experience in judgment enforcement, and have obtained at least a high level degree in law. [A] head of a judgment enforcement unit shall [in addition to possessing the qualifications above,] possess at least three years' experience in judgment enforcement and have attained at least an intermediate level degree in law.

Part III

Enforcement of Judgments

Chapter I

Procedure and Measures on Enforcement of Civil Judgments

Article 23 (new): Forwarding Court Judgments to be Enforced

Orders, final decisions, judgments and rulings must be sent to relevant agencies for enforcement within thirty days at the latest after the date of issuance of the orders, final decisions, judgments and rulings or on the date when the litigants to the case are informed.

The Orders, final decisions, judgments and rulings must also be sent to the public prosecutor's office to monitor the implementation to ensure effectiveness.

Article 24 (new): Places of Enforcement of Court Judgments

Places of Enforcement of Court Judgments are:

- Judgment enforcement office for judgments made by provincial and city people's court level at the first instance;
- Judgment enforcement units for judgments made by district and municipal people's court and for decisions made by provincial and city people's court level as appellate level.

The Judgment enforcement office can enforce the judgments made by district and municipal people's court in case there is no existence of judgment enforcement unit or in case it is requested by the judgment enforcement unit.

Article 25 (new): Judgment Enforcement Procedure

The steps to enforce a judgment shall be in four stages, as follows:

1. Study the final judgments and other juridical acts in order to prepare for the enforcement;
2. Summon litigants to notify them of the terms of the judgments and to advise and encourage them to comply therewith;
3. Take actual steps to enforce the judgments; [and]
4. Certify that the enforcement of judgments is complete.

Article 26: Study of Judgments and Other Juridical Acts

After receiving the final judgments or other juridical acts, the judgment enforcement officers shall study them in detail, shall understand them, and shall prepare what is needed for the enforcement.

Article 27 (new): Summoning Litigants

Within ten days after receiving the final judgment and after preparing what is needed for the enforcement, the judgment enforcement officers shall summon the litigants to the judgment enforcement offices or units in order to notify the litigants of the judgment enforcement and to advise and encourage them to comply with it within sixty days.

Within that time limit, the judgment enforcement officers shall follow up to determine whether the person subject to enforcement is observing such judgment; if it seems necessary (if, for instance, the person subject to enforcement intentionally avoids compliance with the judgment), the judgment enforcement officers may set up an inventory of the assets not yet attached or confiscated by the court and then propose that the [relevant] head of the judgment enforcement offices and units issue orders to attach or confiscate those assets.

Article 28 (new): Actual Enforcement Practices

In the event that the person subject to enforcement completely complies with the judgment within sixty days, this can be regarded as the completion of judgment enforcement.

In the event that the judgment is not, or is not fully, complied with within such time limit, the judgment enforcement office or unit shall inspect, set up an inventory of, [and] issue orders to attach or confiscate, the assets[, on a case by case basis. Additionally,] if the court has not previously applied such measures, the judgment enforcement office or unit shall, at the same time, evict, [and] fine the person subject to enforcement, on a case by case basis.¹²

Inspecting, attaching or confiscating the assets and evicting the person subject to enforcement should be carried out in coordination with the local authorities and other concerned parties. The owner of the assets must be present when assets are confiscated. The attached or confiscated assets must be evaluated and announced for sale to repay the debt. Before the sale announcement, a committee shall be appointed by the provincial, [or] city governors or by the district, [or] municipal mayors to evaluate the attached or confiscated assets and to announce an open auction consistent with the finance regulations.

In the event that a person subject to enforcement moves to another location prior to the judgment enforcement (or its completion), the judgment enforcement office or

unit concerned is entitled to transfer the enforcement of such judgment to the judgment enforcement office or unit in charge of that [other] location.

In the event that a person subject to enforcement owns assets in several districts or provinces, the office or unit in charge of such judgment enforcement shall request the other judgment enforcement offices or units which are in charge of the areas where such assets are located to enforce such judgment on its behalf.

Article 29 (new): Termination of Judgment Enforcement

Enforcement shall be terminated in the following cases:

1. The person subject to enforcement has complied with the judgment in full;
2. The obligee renounces his right. [For purposes of this clause,] if an obligee is summoned three times but fails, without any reason, to present himself to the judgment enforcement officers, his right is [deemed to be] renounced;
3. The person subject to enforcement dies without leaving any asset, right or obligation to legal heirs;
4. The decision or judgment is modified, cancelled or terminated to the effect that the litigants no longer have any obligations.

When any judgment enforcement terminates, the judgment enforcement officers shall write a summary report and propose that the head of the judgment enforcement office or unit issue an order to close the case file. A closure notification must be shared with the public prosecutor office, local office of constituency of people's assembly and local administration offices.

Chapter 2

Judgment Enforcement Measures for Civil Cases

Article 30: Issuance of Orders by Judgment Enforcement Agencies

To ensure the successful enforcement of judgments, enforcement offices or units are entitled to issue orders to bring, seize, escort, move, fine or attach assets and to issue such other instructions as are provided by the laws and regulations and as they deem necessary, but shall not order detention or imprisonment to accelerate the repayment of debts.

In the event that the seized or attached objects under dispute require urgent supervision or remedial action to avoid such objects' degradation or loss of quality, the judgment enforcement offices or units shall manage, protect, safe-keep or sell such objects and apply the proceeds to the enforcement of the judgment.

In enforcing judgments relating to the handing over or return of fixed assets, the judgment enforcement offices or units shall instruct the occupants to vacate the premises or housing facilities under dispute within 90 days from the receipt of such instruction.

The provisions of the third paragraph above are also applicable when enforcing security documents.

Article 31: Effectiveness of Orders of Judgment Enforcement Agencies

Orders of the judgment enforcement agencies which are legally issued within their rights and duties to enforce judgments and other juridical acts as provided in Article 5(new) of this law have the same power as court instructions and are binding on all individuals and organizations as provided in Article 6 of this law.

Intentional non-compliance with such instructions or using threats, violence or other forms [of force] to hinder the operation of the judgment enforcement officers or other persons involved in the enforcement shall be regarded as criminal offences and punished under Articles 158, 173 and other Articles of the Penal Law.

Article 32: Assets that cannot be Frozen or seized

The following assets shall not be frozen or seized to repay debts:

1. Objects of veneration of the debtor;
2. Daily food and medicines of the debtor;
3. Objects like clothes, sleepwear, kitchen utensils and children's toys regularly used by the debtor and the debtor's dependents;
4. Tools, such as harrows, ploughs, hoes and shovels, which are necessary for the debtor to undertake minor occupations, and other [tools].

Article 33: Measures Against Persons Resisting Enforcement

If the judgment enforcement offices or units have issued orders to attach, seize or move assets, and the debtor has the capacity to repay his debts but intentionally refuses to comply with the judgment for more than sixty days after the date of the notice of enforcement, the judgment enforcement officers shall impose a fine of one percent (1%) of the outstanding debt; and [if such refusal lasts] for more than ninety days, three percent (3%) of the outstanding debt.

If [the judgment is for a claim that] is not in a form of a loan [or debt], (for instance, where the claim relates to eviction from premises, the separation of inheritance and marital property, [or a claim for] alimony) and [where the assets in question] have a value of less than five hundred million Kip, a fine of five hundred thousand Kip shall be imposed for the first refusal and two million Kip for the second refusal; [where the assets in question] have a value of more than five hundred million Kip, a fine of two million Kip shall be imposed for the first refusal and five million Kip for the second refusal.

For claims relating to [rights] whose value cannot be evaluated, such as claims for the return or custody of documents [or] children, a fine of five hundred thousand Kip shall be imposed for the first refusal and one million Kip for the second refusal.

Fines relating to judgment enforcement shall become state assets upon collection.

In the event that the above measures fail to yield results and to ensure the effectiveness of the enforcement, the judgment enforcement officers shall be required to request the application of Article 173 of the Penal Law. In addition [to any such charge brought under the Penal Law], the person subject to enforcement shall still have to comply with the judgments and measures issued previously.

Article 34: Measures against Legal Entities

The measures described in Articles 30, 31 and 33 of this law, except the last paragraph of Article 33, shall apply to active or dissolved legal entities or debtor companies. In the case of companies declared bankrupt by the court, the Law on Enterprise Bankruptcy shall apply.

Article 35 (new): Expenses of Judgment Enforcement

Expenses of judgment enforcement are related to payments for removing, transportation and maintenance of assets, etc. A litigant who loses the case is responsible for any expenses incurred in the enforcement of the judgment. Estimating the expenses incurred shall be carried out in accordance with the law on court fees.

Chapter 3

Procedure and Measures in Enforcing Criminal Court Judgments Relating to Civil Compensation, Fine, Confiscation of Property and Items, [and] Re-education without Deprivation of Liberty

Article 36: Execution of Civil Compensation and Fine

The procedure and measures for enforcing criminal judgments [imposing] civil compensation and fines shall be implemented as provided in Articles 25 to 34 of this law.

Judgments [imposing] civil compensation and fines are enforceable against a person, [even if] he is serving his sentence, or has received a pardon or liberation.

Article 37: Confiscation of Property and Items

The enforcement of criminal judgments [imposing] the confiscation of property and items shall be executed as provided in the relevant judgment; [and shall be enforceable even though] the sentenced person is still serving his sentence, or has received a pardon or liberation.

Article 38: Enforcement of Re-Education without Deprivation of Liberty

The enforcement of criminal judgments [imposing] re-education without deprivation of liberty shall be applied only against employees and persons who have income.

The judgment enforcement officers shall give notice of the judgments to the administrative authority or the place where the sentenced person is working in order to deduct his wage and transfer it to the state budget [; such deduction shall be] in addition to the payment of any civil compensation imposed by the relevant court judgment.

Article 39: Priority Among Civil Compensation, Fine and Confiscation of Property or Items

In the event that a criminal judgment [imposes] civil compensation and fine as well as the confiscation of property or items, and the person sentenced by the court is unable to [meet all of these requirements]¹⁵ at the same time, the civil compensation shall be paid first, then the fine, and the confiscation of property or items [may be enforced] later.

Article 40: Enforcement of Criminal Judgments [Imposing] Deprivation of Liberty

Principles, regulations, procedures and measures for the enforcement of criminal judgments [imposing] deprivation of liberty are defined separately in another law.

Chapter 4
Modification, Suspension, Termination and Cancellation of Judgment
Enforcement

Article 41(new): Causes for the Suspension of Judgment Enforcement

Enforcement of a judgment shall be temporarily suspended in any of the following cases:

1. The person subject to enforcement is mentally ill or is in a situation where it is necessary to suspend enforcement [(for instance, if such person becomes] critically ill as evidenced by a medical certificate issued by a public health center of at least district level).
2. The case is re-opened as proposed by the Supreme Public Prosecutor.
3. The person subject to enforcement has left the enforcement location as evidenced by a certificate [of the relevant village head].
4. The person subject to enforcement dies but still has heirs.
5. The public prosecutor requests suspension under point 3 of Article 49(new) of this law.
6. The final court decision does not meet the reality which is not enforceable.

When the causes of suspension as mentioned no longer exist, the enforcement shall be continued.

Article 42: Causes for the Modification, Cancellation or Termination of Judgment Enforcement

The causes for the modification, cancellation or termination of judgment enforcement include:

1. Improper enforcement of the judgment;
2. Violation of procedures and measures relating to judgment enforcement or [violation] of other regulations and laws, as provided in this law.

In the event that enforcement is terminated, whatever has been [seized or] performed must be returned, rehabilitated, compensated for or repaired in order to restore things to their actual condition prior to enforcement.

Article 43: Approaches of suspension, modification, termination and cancellation of judgment enforcement

When the Ministry of Justice or Office of Judgment Enforcement receives an application for suspension, modification termination or cancellation of judgment enforcement, it shall consider and review such application. If it meets the provisions prescribed in articles 41(new) and 42 of this law, the Ministry of Justice or Office of Judgment Enforcement shall issue an order to suspend, modify, terminate or cancel the judgment, and it shall inform its lower lines of administration, the public prosecutor office and litigants within thirty days as from the date of receiving the application.

In case the application does not the provisions of articles 41(new) and 42 of this law, the Ministry of Justice of Justice or Office of Judgment Enforcement shall inform its lower lines of administration, the public prosecutor office and litigants within thirty days and the judgment enforcement shall continue.

State and party organizations, Lao Front for National Development, mess organizations or individuals are not entitled to instruct the modification, suspension, cancellation or termination of judgment enforcement.

Article 44: Keeping of Case Files

Case files that have been completely enforced shall be kept for twenty years from the date of the instruction to close such case files and thereafter may be destroyed.

PART IV

Inspection of Judgment Enforcement

Chapter 1

Internal Inspection Organization

Article 45 (new): Internal Inspection Organization

Internal Inspection Organizations consist of:

- Ministry of Justice;
- Provincial / City Department of Justice;
- District / Municipal Justice Office.

Article 46 (new): Rights and Duties of Internal Inspection Organization

The main Rights and Duties of Internal Inspection Organization are:

1. Supervision of organization and activities of judgment enforcement officers;
2. Inspect the responsibilities, behaviors and working methodologies of judgment enforcement officers;
3. Inspect the management and use of budgets and expenses related to judgment enforcement.

Chapter 1

External Inspection Organization

Article 47(new): External Inspection Organization

External Inspection Organizations are:

- National Assembly with people's participation;
- Public Prosecutor's Office.

Article 48(new): Rights and Duties of Public Prosecutor Office in related to inspection

Concerning inspection of judgment enforcement the public Prosecutors Office has the following mandates:

1. To propose that judgment enforcement offices and units report on the state of judgment enforcement;
2. To propose that judgment enforcement offices and units enforce [specified] final decisions and judgments and execute [specified] judgments in respect of which enforcement has been unduly delayed or remains pending;

3. Inspection of completeness of judgment enforcement, such as legal compliance matters, civil settlement, collection and payment of court fee, taxes and fines, confiscation actions;
4. Propose to Ministry of Justice or Judgment Enforcement Office to suspend, modify, terminate or cancel the judgment enforcement as per the provisions of article 43(new) of this law;
5. Prosecute persons and those who do not respect court judgments or violate the laws in relation to judgment enforcement and request the people's court to make decision based article 173 and other articles of the Penal Law after the judgment enforcement organization has reported to the people's court;

Part V (new)

Prohibitions

Article 49(new): Prohibitions of judgment enforcement officers

The prohibitions of judgment enforcement officers are as follows:

1. Obstructing, conspiracy, bias to selection of cases for enforcement of final judgments, decisions and court rulings;
2. Ignorance, negligence, not being responsible to duties;
3. Inappropriate in body language during the course of duty performance;
4. Misuse of power, position or duty to gain personal benefits;
5. Receiving of bribery.

Article 51(new): Prohibitions of litigants

The followings are prohibitions of litigants:

1. Avoidance in enforcement of judgments, final orders, decisions and rulings of the court;
2. Hiding of items or objects to avoid judgment enforcement;
3. Citing powerful persons to threaten or delay enforcement actions;
4. Bribe law enforcement officers;
5. Threatening or obstructing the judgment enforcement;
6. Breaking, damaging or destructing the property/items being seized / frozen;
7. Causing harms [or] insulting judgment enforcement officers.

Article 52(new): Prohibitions of individuals and organizations

Prohibitions of individuals and organizations are as follows:

1. Inciting litigants not to enforce final judgments, orders, decisions and rulings issued by the court;
2. Obstructing the enforcement of final judgments, orders, decisions and rulings issued by the court;

3. Acting as middle person in giving and receiving bribery to/from judgment enforcement officers;
4. Receiving of transfer of items known or said to be known that such items would be used in the enforcement of judgments.

Part V

Rewards and Disciplinary Measures

Article 53(new). Rewards

Judgment enforcement officers who implement their mandate effectively, and other organizations or individuals cooperating and participating in judgment enforcement with high achievements, shall be rewarded as provided by regulations.

Article 54(new): Disciplinary Measures

Judgment enforcement officers who are guilty of wrongdoing in the performance of their duties by breaching the prohibitions as provided in articles 50(new), 51(new) and 52(new) of this law shall be subject to re-education, disciplinary measures, civil or criminal measures according to the nature of the offence as provided by the laws;

Article 55(new): Re-education

Judgment enforcement officers, litigants, individuals or organizations being guilty violating the law on judgment enforcement with minor offence shall be advised and re-educated.

Article 56(new): Disciplinary Actions

Judgment enforcement officers violating the law on judgment enforcement, which is not decided as criminal offence and caused a damage less than 500,000 Lao Kip, but the wrongdoer escaped from his/her obligations, shall be subject to disciplinary actions as per case by case as follows:

1. Advising and warning by creating a document file and keeping records of his/her wrong-doings;
2. Suspension of promotion of ranking, salary scales, and awarding;
3. Removing from duty or transferring to other duties with lower ranking;
4. Dismissal without receiving of any welfare benefits

Persons being dismissed from duty must return items as proceeds of wrong-doings in complete quantity/values.

Article 57(new): Civil Disciplinary Measures

Judgment enforcement officers, litigants, individuals organizations violating the law on judgment enforcement which cause damage to other person because of his/her unlawful actions concerning the enforcement of court judgment shall be obliged to compensate for the damage caused by him/her.

Article 58(new): Civil Disciplinary Measures

Judgment enforcement officers, litigants, individuals organizations violating the law on judgment enforcement which leads to criminal offence, such as misuse of power, bribery, obstruction to duty performing of government officers, and breaching the court decision or court order shall be guilty based on articles 153,157, 158, 178 and other articles of the Penal Law.

PART VII
Budget, Uniform, Logo and Stamp

Article 59(new): Budget

The budget of judgment administration and enforcement agencies comes from the State budget. In order to ensure the performance of duties of enforcement agencies, the State shall appropriately provide the budget.

Article 60(new): Management and Use of Budget

The budget of supervision organizations and enforcement agencies shall be used in supervision, monitoring, inspecting and enforcement of court judgments. The management and use of budgets shall be in line with the laws and regulations concerning state budget.

Article 61(new): Uniform and Logo

The Ministry of Justice may propose the uniform and logo of the judgment enforcement officers and submit such proposal to the Government for consideration and approval.

Article 62(new): Stamp

All judgment enforcement agencies have a stamp for their operations. The description of such stamp of the judgment enforcement offices and units is defined in a specific regulation.

PART VIII

Final Provisions

Article 63(new): Implementation

The government of the Lao People's Democratic Republic shall implement this law.

Article 64(new): Entry into Force

This law enters into force after the date of the promulgating decree issued by the President of the Lao People's Democratic Republic.

The articles revised in this law shall enter into force thirty days after the date of the promulgating decree issued by the President of the Lao People's Democratic Republic.

Any provisions and regulations which contradict this law are superseded.

President of the National Assembly

[Signed and Sealed]

Thongsing Thammavong