



Sanctions administratives communales: Application du nouveau régime (French Edition)

Nathalie Patouossa

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Les sanctions administratives communales mises en place depuis 1999 ont fait l'objet de diverses adaptations qui ont entraîné une certaine complexification et un élargissement du champ d'application de ce qu'on a fini par appeler les SAC. Il était donc utile, suite à la dernière modification du régime fédéral des SAC intervenue en 2013, de présenter historiquement les adaptations effectuées mais aussi d'examiner le nouveau régime des SAC et son application.

Il est clair que pour les acteurs qui appliquent quotidiennement les sanctions administratives communales ainsi que pour ceux qui veulent devenir des acteurs du terrain, la législation en la matière se complexifie de réforme en réforme.

De 1999 à 2013, nous sommes passés d'une législation s'appliquant uniquement aux majeurs et ne concernant que les infractions administratives, vers une législation s'appliquant tant aux majeurs qu'aux mineurs, et concernant, à côté des infractions administratives, des infractions pénales (infractions mixtes légères, graves, ou relatives à la police de circulation routière). Par ailleurs, ont également été créés notamment, des mesures alternatives à la sanction telles que la médiation ou la prestation citoyenne ou encore la perception immédiate. Tout ce système ne fonctionnerait pas sans la procédure établie par le législateur permettant à chaque acteur de mettre sa pierre à l'édifice des SAC.

Toutes ces adaptations méritaient que l'on consacre un ouvrage aux sanctions administratives communales, destiné à la fois aux acteurs du terrain (les communes, les fonctionnaires sanctionnateurs, les agents constatateurs et les médiateurs) qui appliquent quotidiennement les SAC, mais aussi à la population qui n'a parfois pas connaissance de l'existence de ces sanctions administratives en dehors des cas de sanctions largement médiatisés.

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