

DISPARITY IN AUTHORITY AND EFFECTIVENESS OF OMBUDSMAN'S RECOMMENDATIONS IN PREVENTING MALADMINISTRATION

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DOI: [10.30631/alrisalah.v25i2.2039](https://doi.org/10.30631/alrisalah.v25i2.2039)

Submitted: September 04, 2025; Revised: October 17, 2025; Accepted: December 31, 2025

Abstract: Ombudsman of the Republic of Indonesia (ORI) oversees public services and prevents maladministration, yet its recommendations, despite a strong legal basis, are often treated as non-binding, resulting in persistent non-compliance. This study aims to assess the effectiveness of the Ombudsman's authority in preventing maladministration and to propose normative and institutional measures to enhance bureaucratic compliance. The research employs a normative legal methodology, focusing on the analysis of key regulatory frameworks, particularly Law No. 25 of 2009 on Public Services and Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia. Data were collected through a comprehensive literature review and analyzed using descriptive-analytical techniques. The findings reveal that weak compliance with Ombudsman recommendations is primarily driven by bureaucratic resistance, political interference, and institutional capacity constraints. The novelty of this study lies in its argument for strengthening the Ombudsman through legislative reform, including the introduction of limited executive authority, enhanced institutional autonomy, and proactive supervisory mechanisms. The study concludes that reinforcing the legal and institutional position of the Ombudsman is essential not only to improve administrative accountability but also to reflect the state's genuine commitment to the rule of law, democratic governance, and effective public service delivery.

Keywords: Authority, Effectiveness, Ombudsman, Maladministration

Abstrak: Ombudsman Republik Indonesia (ORI) memiliki mandat untuk mengawasi penyelenggaraan pelayanan publik dan mencegah terjadinya maladministrasi. Namun demikian, meskipun didukung oleh landasan hukum yang kuat, rekomendasi Ombudsman kerap diperlakukan sebagai tidak mengikat, sehingga tingkat ketidakpatuhan birokrasi masih relatif tinggi. Penelitian ini bertujuan untuk menilai efektivitas kewenangan Ombudsman dalam mencegah maladministrasi serta

merumuskan langkah-langkah normatif dan institusional guna meningkatkan kepatuhan birokrasi. Penelitian ini menggunakan metode hukum normatif dengan menitikberatkan pada analisis kerangka regulasi utama, khususnya Undang-Undang Nomor 25 Tahun 2009 tentang Pelayanan Publik dan Undang-Undang Nomor 37 Tahun 2008 tentang Ombudsman Republik Indonesia. Data diperoleh melalui studi kepustakaan secara komprehensif dan dianalisis menggunakan teknik deskriptif-analitis. Hasil penelitian menunjukkan bahwa lemahnya kepatuhan terhadap rekomendasi Ombudsman terutama disebabkan oleh resistensi birokrasi, intervensi politik, serta keterbatasan kapasitas kelembagaan. Kebaruan penelitian ini terletak pada argumentasi mengenai penguatan Ombudsman melalui reformasi legislasi, antara lain dengan pemberian kewenangan eksekutif terbatas, peningkatan otonomi kelembagaan, serta pengembangan mekanisme pengawasan yang bersifat proaktif. Penelitian ini menyimpulkan bahwa penguatan posisi hukum dan institusional Ombudsman merupakan prasyarat penting tidak hanya untuk meningkatkan akuntabilitas administrasi, tetapi juga untuk mencerminkan komitmen nyata negara terhadap supremasi hukum, tata kelola demokratis, dan penyelenggaraan pelayanan publik yang efektif.

Kata kunci: Kewenangan, Efektivitas, Ombudsman, Maladministrasi

Introduction

Based on the general explanation of the 1945 Constitution, Indonesia's system of government is based on the rule of law, not on power alone. This means that every action by the government and state administrators must be based on applicable law, and the law is the highest guideline for running the country.¹ Indonesia uses the law as a basis for the government to carry out state affairs.² This is also to create a clean and authoritative government, which makes various legal rules. This regulation serves as the basis for the bureaucracy to enhance the quality of public services, address community needs, and prevent abuse of authority by

government officials. ³The establishment of the Ombudsman of the Republic of Indonesia (ORI) was a result of the significant reform wave that swept Indonesia in 1998, marking the end of the centralistic and authoritarian New Order era. One of the most fundamental demands of the reform movement is the realisation of clean and *good governance*, as a direct reaction to the practice of Corruption, Collusion, and Nepotism (KKN) that has taken root in the bureaucracy. In essence, the law and the institutions that overshadow it serve to resolve conflicts, with the ultimate goal of achieving justice.⁴ ORI is an independent state institution authorised to supervise and monitor public service

¹ Sulistyowati Sulistyowati *et al*, "Government Regulation Substituting the Law on Job Creation in the Perspective of Constitutional Law," *Jurnal Hukum* 39, no. 2 (December 2023): 231, <https://doi.org/10.26532/jh.v39i2.33378>.

² Sukardi Sukardi and Dodi Jaya Wardana, "Does the Government Have the Authority to Annul Regional Regulations?," *Legality : Jurnal Ilmiah Hukum* 32, no. 2 (August 2024): 263-76, <https://doi.org/10.22219/ljih.v32i2.35027>.

³ Septi Nur Wijayanti, "The Existence and Effectiveness of the Regional Ombudsman Institution (LOD) in the Context of Achieving Good Governance in the Special Region of Yogyakarta Province," *Journal of Legal Media* 15, no. 1 (2022): 85-105, <https://doi.org/10.18196/jmh.v15i1.14400>.

⁴ Bayu Dwi Anggono, Rian Adhivira Prabowo, and Yussele Nando Mardika, "Constitutional Court and The Past Conflicts in Post- Authoritarian Indonesia," *Constitutional Review* 9, no. 1 (May 2023): 077, <https://doi.org/10.31078/consrev913>.

practices carried out by government officials, state-owned enterprises, law enforcement officials, and other similar institutions.⁵ In this context, the public seeks an effective supervisory mechanism to bridge the gap between citizens and the bureaucratic apparatus, which is often perceived as rigid, non-transparent, and unresponsive to complaints.⁶ Philosophically, the establishment of the Ombudsman is a reaffirmation of the principle of the rule of law as mandated in the 1945 Constitution, which places this institution not only as the "gatekeeper" of public services but also as a crucial instrument to restore public trust in the government. The Ombudsman is also a manifestation of a commitment to realising clean and accountable governance, free from corruption, collusion, and nepotism. This institution was previously unknown in the Indonesian constitutional system.⁷

Its institutional journey has undergone significant evolution, starting with the National Ombudsman Commission (KON), established by Presidential Decree No. 44 of 2000 and with a weak legal position, and culminating in its transformation into a strong, independent state institution after the passage of Law No. 37 of 2008. This shift from a Presidential Decree-based institution to a law-based institution changes the Ombudsman's mandate from a moral appeal to a *legal mandate*, which is the key to understanding the dynamics, challenges, and effectiveness of the current Indonesian constitutional system.

⁵ Uli Parulian Sihombing et al., "The Challenges and Opportunities of the Constitutional Court Decision Implementation on Recognition of the Indigenous Religions in Indonesia," *Yuridika* 36, no. 2 (May 2021): 493, <https://doi.org/10.20473/ydk.v36i2.24927>.

⁶ Andi Sugirman et al., "Balancing Individual Political Rights and Institutional Integrity in an Islamic Constitutional Perspective on Party Switching in Indonesia", *El-Maslahah* 15, no. 2 (2025), <https://doi.org/10.23971/el-mashlahah.v15i2.9995>.

The Ombudsman of the Republic of Indonesia plays a crucial role as the frontline of public service supervision. This institution actively handles various cases of maladministration that directly touch people's lives. The Ombudsman's role as a supervisor of public services faces a fundamental challenge: the disparity between authority and effectiveness. Despite having a strong legal mandate, the Ombudsman's recommendations are often not followed, which has a direct impact on the handling of maladministration cases, as for the example of cases, such as in Rempang, Sidaalang Hospital, PKH Social Assistance, and illegal levies in schools, where the Ombudsman managed to identify problems but often ran into low levels of bureaucratic compliance. This condition arises because the Ombudsman's recommendations lack executive authority and face strong resistance from other institutions, as evidenced by the KPK's rejection.⁸ The main problem occurs because the authority under which it is given the mandate in Law No. 37 of 2008 lacks adequate executive power. This explains why, although the Ombudsman has succeeded in uncovering cases such as those in Rempang and Sidaalang Hospital, the recommendations issued are often ignored by the bureaucracy.

In previous research, the existence of independent institutions with the authority to supervise the implementation of public services has become increasingly crucial. In accordance with the provisions of Law No. 37

⁷ Galang Asmara, "Characteristics of Ombudsman Institution in Indonesia Compared with Ombudsman Institution in Sweden, United Kingdom, France, and the Netherlands," *PADJAJARAN: Jurnal Ilmu Hukum* 3, no. 1 (2016): 43-62.

⁸ NN, "Ombudsman of the Republic of Indonesia Finds Maladministration Violations at Sidaalang Hospital," *Representative News* (Ombudsman of the Republic of Indonesia), February 14, 2023, <https://ombudsman.go.id/perwakilan/news/r/pwkmedia--ombudsman-ri-temukan-adanya-pelanggaran-maladministrasi-di-rsud-sidakalang>.

of 2008, the state institution responsible for managing public services is the Ombudsman of the Republic of Indonesia. This research aims to assess the effectiveness of the Ombudsman of the Republic of Indonesia's public service supervision. The findings show that not all reports received by the Ombudsman of the Republic of Indonesia can be followed up on or resolved. One of the main obstacles arises when the results of the substantive examination indicate that the Ombudsman lacks the authority to continue handling the report. Nevertheless, there is a positive trend: public trust in the Ombudsman of the Republic of Indonesia is increasing. This is evident from the increase in the number of non-report consultations conducted by the public between 2017 and 2021.⁹ The novelty of this paper lies in its comparison with previous research, which provides only a general institutional analysis and recommendations for strengthening the Ombudsman, without systematically examining the disparity between the Ombudsman's juridical authority (*de jure*) and the effectiveness of implementation in the field (*de facto*). This study reviews the inequality between *de jure* and *de facto* authority.

The purpose of this study is to examine in depth the effectiveness of the Ombudsman of the Republic of Indonesia's authority in preventing maladministration in the implementation of public services. This study also aims to analyse the extent to which recommendations issued by the Ombudsman are complied with by government agencies and bureaucracies as objects of supervision, and to identify factors that affect the level of compliance. In addition, this research aims to develop normative and institutional solutions to enhance the Ombudsman's role and

position within the state's administrative legal framework. This includes proposed regulatory reforms, such as possible amendments to Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, institutional capacity building, and a more proactive and responsive supervisory strategy to bureaucratic dynamics. This research is expected to make a conceptual and practical contribution in efforts to strengthen public service supervision, encourage bureaucratic compliance with the principles of good governance, and strengthen legal protection for the public as users of public services. Several theories from various disciplines can be used to analyse the problem of disparity in the Ombudsman's authority and effectiveness, as seen in multiple cases of maladministration. Supervision is an effort to ensure that an activity or object complies with applicable regulations and to prevent *detournement de pouvoir* or abuse of authority. Public service itself is a form of interaction between the community and the government or bureaucratic apparatus. The quality of good public services will help shape good governance and, therefore, become a basic need of the community in various aspects of life.

This disparity can also be analysed using the Theory of Legal Effectiveness. Soerjono Soekanto argues that the effectiveness of the law is judged by how well a regulation or legal norm realises its goals. The law is considered adequate if it creates a beneficial legal impact and successfully directs or influences changes in people's behaviour in accordance with the enforced regulations.¹⁰ In other words, the law is considered successful if it can change human behaviour into law-abiding behaviour.¹¹ This indicates that the

⁹ Nurfaika Ishak, "The Effectiveness of Public Service Supervision by the Ombudsman of the Republic of Indonesia," *Mulawarman Law Review* 7, no. 1 (June 2022): 71–88, <https://doi.org/10.30872/mulrev.v7i1.834>.

¹⁰ Soerjono Soekanto, *Legal Effectiveness and the Application of Sanctions* (Bandung: Ramadja Karya, 1988).

¹¹ Rusdaya Basri, Rahmawati, and Ridha, "Evaluating the Effectiveness of Legal Support for Women's

Ombudsman law has not been effective in achieving its goal of eradicating maladministration, as the level of bureaucratic compliance with recommendations remains low. Further, this resistance can be explained through Max Weber's Theory of Bureaucratic Rationality¹², in which bureaucrats tend to prioritise internal interests and avoid external scrutiny to maintain their autonomy and power. This is evident in the KPK's refusal to be investigated, which constitutes a form of resistance to accountability.¹³ This phenomenon also indicates a weakening of the rule of law, as state institutions are not fully subject to existing regulations. Thus, these theories not only identify the root of the problem but also serve as the basis for proposing strategies to strengthen the Ombudsman, both through regulatory improvements and institutional strengthening, so that they can function optimally.

Data from the Ombudsman of the Republic of Indonesia Annual Report shows an increasing trend in public reporting from around 7,186 reports in 2021, 8,292 reports in 2022, 8,458 reports in 2023, to 10,846 reports in 2024. This condition makes it clear that although the Ombudsman's authority is legally recognised, the level of bureaucratic compliance with its recommendations remains a real challenge, as the high volume of reports makes it difficult to resolve all cases. This problem weakens public trust, and maladministration persists.¹⁴ Therefore, a strategy to strengthen the Ombudsman through regulatory improvements, such as

amending Law Number 37 of 2008 to grant executive power to its recommendations, is necessary. In addition, institutional strengthening is significant, including the use of big-data *technology* for proactive supervision and collaboration with other institutions to improve compliance. With these measures, it is hoped that the effectiveness of the Ombudsman can be enhanced, ensuring that every case of maladministration is fully resolved and delivers tangible improvements.

Method

Normative laws that are quantitative are the choice of this research.¹⁵ This focuses on the analysis of the principles, norms, and laws and regulations that underpin the existence and authority of the Ombudsman of the Republic of Indonesia. Data collection is carried out through *library research* techniques. The primary legal materials used include the law on public services and the law on ORI. These two laws are fundamental because they directly regulate the substance of public services and the authority of the Ombudsman. In addition, the Presidential Decree of the Republic of Indonesia Number 44 of 2000 concerning the National Ombudsman Commission is also used. However, it has been replaced, as it remains relevant due to its historical significance in the establishment of this institution and other applicable rules. Overall, this primary legal material serves as a strong normative framework for research and writing. The secondary data sources comprise a range of literature, including scientific journals, books,

Post-Divorce Rights: Maslahah Approach in Indonesia and Malaysia", *El-Usrah: Jurnal Hukum Keluarga* 8, no. 2 (2025), <https://doi.org/10.22373/ujhk.v8i2.26951>.

¹² Midkholus Surur, "Weberian Bureaucracy: 'Proportional Approach,'" *MADANI : Journal of Political and Social Society* 11, no. 2 (2019): 86–104.

¹³ Syakirun Ni'am and Sabrina Asril, "Questioning the Authority of the Ombudsman, KPK Refuses to Explain the Dismissal of Brigadier General Endar

Priantoro," *Kompas.Co*, May 30, 2023, <https://nasional.kompas.com/read/2023/05/30/15375961/pertanyaan-wewenang-ombudsman-kpk-tolak-jelaskan-pemecatan-brigjen-endar?>

¹⁴ N.d., https://ombudsman.go.id/produk/?c=19&s=SUB_LT_5a1ea951d55c4.

¹⁵ Irwansyah, *Legal Research (Choice of Methods & Practices for Writing Articles)*, 4th ed. (Yogyakarta: Mira Buanna Media, 2021).

news articles, and official documents published by the Ombudsman. This is then analysed by systematically describing the position, authority, and implementation of the Ombudsman's function, which is critically examined to identify fundamental problems, particularly those related to the dilemma of the power of recommendations. This analysis informs the formulation of conclusions and policy recommendations that offer solutions.

Results and Discussion

Disparity in Authority and Effectiveness: A Study of Conditions and Problems

Indonesia has embarked on major reforms in governance and development through a series of laws, culminating in Law No. 23 of 2014 on Local Government and Law No. 6 of 2023 on Job Creation. In this governance, although the government must be active in seeking the welfare of the community, all its actions must always be based on the general principles of good governance (AAUPB).¹⁶ These principles, including legal certainty, professionalism, openness, and accountability, serve as guidelines for state administrative officials in carrying out their duties and authority.¹⁷ The primary purpose of this regulation is to change the system of government from centralised to decentralised, with power and authority divided among regions.¹⁸ This change demands good public service. According to

the United Nations Development Programme (UNDP), good governance has several essential characteristics, including being participatory, law-based, transparent, responsive, fair, consensus-oriented, effective, efficient, strategic, and accountable. These principles have become the foundation of various regulations in Indonesia and are generally known as the general principles of good governance.¹⁹ The concept of good Management is often equated with optimal government Management; however, achieving these conditions requires substantial efforts, not just easy changes. Governance refers to a collective effort to achieve a common goal that involves interaction among institutions and formal and informal parties in society. This system encourages the participation of all parties to realise equality, transparency, accountability, pluralism, and the rule of law. Good governance can suppress corruption, violence, and poverty, thereby creating a more just and democratic society.²⁰

The birth of the Ombudsman of the Republic of Indonesia (ORI) cannot be separated from the great wave of Reform that hit Indonesia in 1998. This movement marked the end of the centralistic and authoritarian New Order era and opened the gates to a more participatory democratic order. One of the most fundamental demands that emerged from the womb of reform is the realisation of clean and *good governance*. This demand is a direct response to the entrenched practice of

¹⁶ Sadhu Bagas Suratno, "The Formation of Policy Regulations Based on the General Principles of Good Government," *e-Journal Lentera Hukum* 4, no. 3 (December 2017): 164, <https://doi.org/10.19184/ejlh.v4i3.5499>.

¹⁷ I Gde Pantja Astawa, "The Convergence of State Administrative Law: An Analysis of State Administrative Decisions Containing Civil Law Elements," *LITIGATION* 25, no. 2 (October 2024): 20–42, <https://doi.org/10.23969/litigasi.v25i2.17205>.

¹⁸ Hariyanto, Muhammad Mutawalli Mukhlis, Daud Rismana, "The Role and Authority of the Deputy Regional Head According to Islamic Principles

within the Framework of Regional Government Law", *Juris: Jurnal Ilmiah Syari'ah* 24, no. 1 (2025), <https://doi.org/10.31958/juris.v24i1.12678>

¹⁹ M. Misbahul Mujib and Mustari Kurniawati Muchlas, "Achievements and Challenges of Human Rights Protection Policy in Realizing Good Governance in Indonesia and China," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (June 2023): 328–60, <https://doi.org/10.53955/jhcls.v3i2.98>.

²⁰ Subir Kumar Roy, "The Principle Of Sustainable Development, Human Rights And Good Governance," *Brawijaya Law Journal* 3, no. 2 (2016), <https://doi.org/10.21776/ub.blj.2016.003.02.06>.

Corruption, Collusion, and Nepotism (KKN), which has become a systemic disease within the government bureaucracy over the decades. In this context, the public yearns for an effective oversight mechanism to ensure that state administrators no longer act arbitrarily and that the public services provided to citizens are truly quality, efficient, and free from illegal levies.

The presence of the Ombudsman is seen as a necessity to bridge the wide gap between citizens and the bureaucratic apparatus, which is often perceived as rigid, non-transparent, and unresponsive to complaints. Philosophically, the establishment of the Ombudsman reaffirms the principle of the rule of law mandated in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In a legal state, the rights of citizens, including the right to decent public services, must be respected, protected, and fulfilled by the state. Thus, the Ombudsman not only serves as a "gatekeeper" of public services but also as an essential instrument in bureaucratic reform aimed at restoring public trust in the government. This institution is expected to be a model and supervisor of public services whose presence is truly felt by all Indonesian people.

The institutional journey of the Ombudsman in Indonesia has undergone a significant evolution, reflecting the political and legal dynamics of the post-reform era. The forerunner of this institution is the National Ombudsman Commission (KON), established on March 10, 2000, by Presidential Decree (Keppres) No. 44 of 2000.²¹ The establishment of the KON during the administration of President Abdurrahman Wahid was a progressive first step, but it had fundamental limitations in terms of legal basis. The evolution from a Presidential Decree-based institution to a law-based institution marks a paradigm shift from a

moral appeal to a *legal mandate*. The use of the phrase "mandatory" in the articles of Law No. 37 of 2008 related to the *de jure* implementation of recommendations changes the nature of recommendations from mere suggestions to a legal obligation that must be complied with by the reporting agency. This evolutionary history is key to understanding the effectiveness dilemma the Ombudsman has faced to date. It has evolved from an institution with moral strength to one with a legal mandate, but has not yet attained full executive power. The contemporary debate over uncomplied recommendations is not a sign of total failure, but rather a representation of the next logical stage in its institutional evolution: a struggle to enforce the legal mandate it already has in the face of political and bureaucratic reality. This shows that strengthening the Ombudsman is an incremental, ongoing process, not a single event completed by the passage of a law.

Law Number 37 of 2008 is the primary legal foundation, a pillar of the Ombudsman of the Republic of Indonesia's existence, authority, and operations. This regulation comprehensively defines the Ombudsman as a state institution with special jurisdiction to supervise the implementation of public services across all fields, ensuring that every citizen receives justice and welfare. The most fundamental aspect of this rule is the object's extensive scope of supervision. Article 6 of Law No. 37 of 2008 states that the authority of the Ombudsman extends not only to government institutions at the central and regional levels but also to State-Owned Enterprises (SOEs), Regional-Owned Enterprises (BUMD), and State-Owned Legal Entities (BHMN). Furthermore, the Ombudsman's supervision can also extend to private bodies or individuals tasked with providing certain public services, particularly when part or all of the funds are sourced from

²¹ Presidential Decree of the Republic of Indonesia Number 44 of 2000 Concerning the National Ombudsman Commission (2000),

<https://peraturan.bpk.go.id/Details/57856/keppres-no-44-tahun-2000>.

the State Revenue and Expenditure Budget (APBN) and/or the Regional Revenue and Expenditure Budget (APBD).²² The breadth of this jurisdiction gives the Ombudsman a central role in ensuring accountability across almost the entire spectrum of public services. Although the Ombudsman of the Republic of Indonesia holds a strong position and broad investigative authority, its authority to enforce the law is relatively weak.²³ Based on Law Number 37 of 2008, its effectiveness in the field still faces various structural obstacles. The disparity between *de jure* legal force and *de facto* implementation is reflected in the low level of bureaucratic compliance with the Ombudsman's recommendations, which are normatively mandatory but in practice are often treated as moral appeals. According to Soerjono Soekanto's Legal Effectiveness Theory, regulations have failed to change bureaucratic behaviour to comply with applicable norms. This resistance can be further explained through Max Weber's Theory of Bureaucratic Rationality, which explains the tendency of bureaucracies to maintain autonomy and internal power by rejecting external oversight, as seen in the rejection of institutions such as the KPK of the Ombudsman's monitoring. This phenomenon suggests that the rule of law principle is not optimal, as state institutions are supposed to be subject to a legitimate system of supervision.

This study differs from previous studies in that it systematically highlights the discrepancy between the Ombudsman's legal authority and its practical effectiveness. To overcome this, strategic steps are needed which include: first, strengthening the legal aspect through the amendment of Law No. 37 of 2008 to strengthen the coercive power of

recommendations with legal status equivalent to court decisions and automatic administrative sanction mechanisms; second, institutional strengthening through increased budget, human resources, and cross-agency cooperation as well as transparent leadership selection; and third, a shift in approach to prevention strategies by utilizing report data for policy analysis, public literacy improvement to remote areas, and whistleblower protection. With these steps, the Ombudsman is expected to carry out its mandate optimally and serve as a central pillar in strengthening the rule of law and a just democracy in Indonesia. The law on the ombudsman details what is meant by "maladministration", which is the primary focus of the Ombudsman's supervision. Maladministration is defined as any unlawful behaviour or act that exceeds authority, misuses authority for purposes other than intended, or neglects legal obligations in the provision of public services, resulting in material and/or immaterial losses to the community.²⁴ This clear definition provides a solid framework for the Ombudsman to conduct examinations and investigations. One of the most prominent characteristics of the Ombudsman of the Republic of Indonesia is its independence, meaning it has no organic relationship with state institutions or other government agencies. The phrase "has no organic relationship" means that there is no hierarchical or structural relationship that places the Ombudsman under any other institution. In addition, in carrying out its duties and authorities, the Ombudsman is declared free from interference from any other power. This position places the Ombudsman in the category of *an independent state auxiliary body*. It lies outside the three

²² Article 1 paragraph 1, Law Number 37 of 2008 Concerning the Ombudsman of the Republic of Indonesia, 37 (2008), <https://peraturan.bpk.go.id/Details/39708>.

²³ edi As'adi, "Problem Of Law Enforcement Of Public Services By The Ombudsman Institution Of The Republic Of Indonesia Based On Community

Participation," *Legal Reflections: Journal of Law* 10, no. 1 (October 2016): 71, <https://doi.org/10.24246/jrh.2016.v10.i1.p71-83>.

²⁴ Pasal 1 ayat 3, Law Number 37 of 2008 Concerning the Ombudsman of the Republic of Indonesia, vol. 37.

traditional branches of power (executive, legislative, and judicial) and functions as part of the checks-and-balances mechanism in Indonesia's constitutional system. Its role is that of an external supervisor who specialises in public services, complementing existing supervisory functions, such as political supervision by the House of Representatives (DPR) and financial supervision by the Audit Board (BPK). This independence is the primary foundation for the Ombudsman's credibility and effectiveness. Without autonomy, the Ombudsman risks becoming a "paper tiger" or simply an extension of the government it is supposed to supervise. However, this independence is constantly tested in the practice of statehood. One of the most obvious examples is when the Corruption Eradication Commission (KPK) refused to be examined by the Ombudsman regarding the report on the dismissal of Brigadier General Pol. Endar Priantoro.²⁵ This case is not just a dispute over ordinary authority between institutions, but a test of the resilience of the post-reform constitutional architecture.

The resolution of this kind of conflict reflects the health of Indonesia's system of checks and balances. If a powerful state institution like the KPK can resist oversight by other independent state institutions equally mandated by law, this could create a dangerous precedent that undermines the rule of law. This suggests that informal power hierarchies and inter-institutional "sectoral egos" sometimes still trump the existing

formal legal order. In this context, the Ombudsman serves as a litmus test, determining whether Indonesia has truly operated as a state of law (rechtsstaat) governed by the rule of law, or remains dominated by power relations (*machtsstaat*). The synergy between the ombudsman law and the public service creates a stronger legal framework for supervising public services in Indonesia.²⁶ Law No. 25 of 2009 concerning Public Services (Public Service Law) establishes standards and obligations for service providers, while the Ombudsman Law provides a mechanism for supervising and enforcing these standards. However, the interaction between these two laws is not without potential problems. The analysis reveals potential for disharmony, particularly in the community's reporting procedures. One law requires that a complaint report be submitted to the reporting agency before being submitted to the Ombudsman, while another law does not explicitly require it.²⁷ This difference in procedures has the potential to cause public confusion and could be a loophole for the agency to reject the report on procedural grounds. This kind of disharmony necessitates efforts to synchronise and harmonise regulations, ensuring legal certainty for individuals seeking justice.²⁸ In addition, the Ombudsman also interacts with various other laws, such as Presidential Regulation (Perpres) No. 20 of 2009, which regulates the Secretariat General of the Ombudsman,²⁹ as well as various Ombudsman Regulations

²⁵ Syakirun N. and Sabrina Asril, *Questioning the Authority of the Ombudsman, KPK Refuses to Explain the Dismissal of Brigadier General Endar Priantoro*, May 30, 2023, <https://nasional.kompas.com/read/2023/05/30/15375961/pertanyakan-wewenang-ombudsman-kpk-tolak-jelaskan-pemecatan-brigjen-endar>.

²⁶ Law Number 25 of 2009 Concerning Public Services, 25 (2009), <https://peraturan.bpk.go.id/Details/38748/uu-no-25-tahun-2009>.

²⁷ Muhammad Rus'an Yasin, Muhammad Akbar, and Moh. Yusuf Hasmin, "Ombudsman's Authority in

Handling Public Service Reports," *Journal of Science Collaborative* 4, no. 5 (May 2021): 241-46, <https://doi.org/10.56338/jks.v4i5.1874>.

²⁸ Firman Freddy Busroh, Fatria Khairo, and Putri Difa Zhafirah, "Harmonization of Regulations in Indonesia: Simplification and Synchronization for Increasing Legal Effectiveness," *Journal of Legal Interpretation* 5, no. 1 (January 2024): 705, <https://doi.org/10.22225/juinhum.5.1.7997.699-711>.

²⁹ Presidential Regulation Number 20 of 2009 Concerning the Secretariat General of the Ombudsman of the Republic of Indonesia, 20

(Perom) that regulate the technical implementation of duties, such as Ombudsman Regulation No. 44 of 2020 concerning Strategic Plans. This entire regulatory framework forms a legal ecosystem that is the foundation for the Ombudsman in carrying out each of its functions. In addition, there is what is known as "Citizens Influence", the main principle in new public services that allows the public to influence service quality. This principle is realised through the role of the Ombudsman of the Republic of Indonesia, who, as a supervisor, follows up on reports of irregularities and provides advice to prevent maladministration.³⁰

The Ombudsman's vision reflects the three main pillars that the institution seeks to achieve. "Effective" refers to oversight's ability to bring about fundamental changes and improvements in the quality of public services. At the same time, "Justice" emphasises the protection of the rights of the community, especially vulnerable groups, and ensuring that the people obtain action that is no different from that of state administrators. Then, "Trusted" is demonstrated not only by the number of incoming public reports but also by increases in non-report consultations, public involvement in the supervision process, and agency compliance with issued recommendations. This vision is more comprehensive and strategic than the vision of specific work units within the Ombudsman, such as the Legal Documentation and Information Network (JDIH), which focuses more on improving legal knowledge. To achieve this vision, the Ombudsman sets four main missions that describe the strategic measures:³¹

1. Realise the professionalism of the supervisory function of the implementation of public services. This mission emphasises the importance of strengthening the capacity and integrity of human resources, utilising data-driven, measurable supervision methodologies, and leveraging information technology to ensure objective and credible supervision.
2. Realising the compliance of public service providers with the results of the Ombudsman's supervision. This is in response to the low level of implementation of the Ombudsman's recommendations, so it is necessary to strengthen the coercive power of recommendations through legal arrangements, cross-agency institutional cooperation, and support for public and media participation in building moral and political pressure on non-compliant agencies.
3. Realising inclusive public services for all Indonesian people. This mission demonstrates the Ombudsman's commitment to expanding public access to quality and equitable public services, particularly for vulnerable groups and people in disadvantaged areas. By expanding service coverage, promoting public education, and strengthening regional representative offices, the Ombudsman seeks to ensure that no citizen is neglected within the national public service system.

(2009),
<https://peraturan.bpk.go.id/Details/42301/perpres-no-20-tahun-2009>.

³⁰ Adhar Hakim, "The Function and Role of the Ombudsman of the Republic of Indonesia Representative of West Nusa Tenggara in Encouraging Local Government Compliance with

Law Number 25 of 2009 concerning Public Services," *IUS Journal: Law and Justice Studies* 3, no. 1 (2015): 1-18, <https://doi.org/10.12345/ius.v3i7.196>.

³¹ Ombudsman of the Republic of Indonesia, *Profile (Vision and Mission)*, Goverment, n.d., <https://ombudsman.go.id/profiles/index/pfvm>.

The vision and Ombudsman are lowered to more measurable strategic goals and objectives. The main strategic objectives to be achieved in the 2020-2024 Strategic Plan period include increasing the completion of high-quality community reports, improving public service providers' compliance with service standards and Ombudsman recommendations, and realising accountable and transparent supervisory governance.³²

The implementation of these goals and objectives is realised through a series of concrete programs and activities. In the reactive function, the Ombudsman continues to improve the mechanism for receiving and handling reports, conducting mediation and conciliation, and issuing Final Audit Results (LAHP) and Recommendations. Meanwhile, in its proactive function, the Ombudsman implements various initiatives such as:

1. Investigation on Own Initiative: Investigating suspected systemic maladministration does not have to wait for a report from the public.
2. Compliance Survey: Periodically assesses the compliance of ministries, institutions, and local governments in meeting public service standards.
3. Systemic Review: Analyse the root cause of incoming reports to provide suggestions for structural policy improvements to the government.

The most fundamental strength of the Ombudsman of the Republic of Indonesia rests on two main pillars: institutional independence and broad investigative authority. This independence allows the Ombudsman to conduct objective and impartial oversight, even of institutions with significant political power and resources.

The second pillar is comprehensive investigative authority. The Ombudsman not only passively accepts reports but is also equipped with a range of authorities to seek the material truth. This authority includes the ability to summon and request information from the complainant, the reported person, and witnesses; inspect correspondence and related documents; and ask for clarification from any agency. One of the most potent powers is the ability to investigate self-motion. This allows the Ombudsman to uncover systemic maladministration practices that individuals may never report. To complement and protect the implementation of these duties, Ombudsman members are also equipped with legal immunity. They cannot be arrested, detained, interrogated, or prosecuted in court in the exercise of their duties and authorities mandated by the Ombudsman law, namely Article 10.³³ Despite a strong foundation in independence and investigative authority, the Ombudsman's effectiveness faces a fundamental dilemma: the power to execute the final product, namely the Recommendation. There is a paradox between the written legal mandate and the reality of implementation in the field. *De jure* or according to the law, the power of the Ombudsman's recommendations looks very solid. Article 38, paragraph (1) of Law No. 37 of 2008 expressly states that the Reported Party and the Reported Party's superiors are "obliged to implement" the Ombudsman's Recommendations. In legal terminology, the word "obligatory" carries an imperative meaning: there is a necessity to comply, and consequences will follow if it is ignored. Some sources even interpreted this recommendation as "final and binding",

³² Ombudsman Regulation Number 44 of 2020 Concerning the Strategic Plan of the Indonesian Ombudsman for 2020-2024, 44 (2020), <https://jdih.ombudsman.go.id/peraturan/jdih-189/peraturan-ombudsman-nomor-44-tahun-2020-tentang-rencana-strategis-ombudsman-republik-indonesia-tahun-2020-2024>.

³³ Eivandro Wattimury and Madaskolay Viktoris Dahoklory, "The Essence of the Position of the Ombudsman Institution in the Constitutional Structure of the Republic of Indonesia," *Tambusai Education Journal* 06 (2022): 17176, <https://download.garuda.kemdikbud.go.id/>

meaning that no other legal remedy, such as an appeal, could be pursued to reject it. However, in reality, this interpretation often does not apply. Many public officials and government agencies consider the Ombudsman's recommendations to be *morally binding* or merely ordinary advice, not legally binding and lacking executive force.³⁴ This view often leads to recommendations being ignored or not fully implemented, ultimately harming the institution's dignity and the legal certainty for whistleblowers. Assessment of compliance with public service standards is carried out by the Assistant Ombudsman, both at the head office and by representatives, through interviews, observations, and document studies of each service provider. The results of the assessment are categorised into three zones, namely the green zone for good and excellent quality, the yellow zone for medium quality, and the red zone for low and very low quality. In 2022, among the total entities assessed, only 272 (46.42%) were in the green zone, 250 (42.66%) in the yellow zone, and 64 (10.92%) in the red zone. In 2023, there was a significant increase, where of the 586 entities assessed, as many as 414 entities (70.70%) were in the green zone, 133 entities (22.66%) were in the yellow zone, and 39 entities (6.64%) were in the red zone. This positive trend is expected to continue in 2024, with 494 entities, or 84.16% of the total 587 entities, considered to have successfully entered the green zone. The achievement comprises 337 entities with the highest-quality opinions and 157 with high-quality views. In line with the increase in the green zone, the number of entities in the yellow zone decreased from 133 entities in 2023 to 70 entities in 2024. Likewise, the red zone shrank from 39 to 23 entities, or 3.91% of the total assessed entities. This development reflects the increased

consistency and commitment of public service providers in meeting the set compliance standards.³⁵

The root of this paradox is not in the word "mandatory" itself, but in the absence of an automatic and executory sanction mechanism in Law No. 37 of 2008. The law does not give the Ombudsman the authority to self-execute its recommendations or impose direct sanctions on non-compliant parties. The available "sanctions" mechanisms are indirect and politically inclined. If the recommendations are not implemented, the Ombudsman can only report the non-compliance to the House of Representatives (DPR) and the President, or publish it to the broader public through the mass media. The effectiveness of these reporting and publication sanctions depends heavily on two uncertain factors: the political will of the President and the House of Representatives to follow up on the Ombudsman's report, and the magnitude of public pressure arising from the reporting. When dealing with agencies that have strong political influence or issues that do not attract public attention, this mechanism becomes weak. Lawmakers gave the Ombudsman a sharp investigative sword, but were hesitant to grant it full power to wield it effectively. There is reluctance to grant a non-judicial supervisory body real coercive power, as it could challenge the executive branch's dominance.

The low level of compliance with the Ombudsman's recommendations is a chronic problem that continues to hinder the institution's effectiveness. The factors causing this non-compliance are diverse and complex. A study identified several leading causes, including: (1) Ignorance of regional heads or agency leaders about the functions and authority of the Ombudsman, so that they do not understand the legal significance of a

³⁴ Fathul Aminudin Aziz, "Hukum Denda dalam Keuangan Publik Islam di Indonesia", *Al-Manahij: Jurnal Kajian Hukum Islam* 12, no. 2 (2018), <https://doi.org/10.24090/mnh.v12i2.1760>

³⁵ *Ombudsman*(n.d.), https://ombudsman.go.id/produk/?c=19&s=SUB_LT_5a1ea951d55c4.

recommendation; (2) Differences in the interpretation of regulations between the Ombudsman and the reported agency, where the reported party feels that it has not committed maladministration as alleged; and (3) The presumption that recommendations are mere ordinary suggestions that do not have binding legal force, as discussed earlier. To provide a clear description of the scale of this problem, a hypothetical but representative analysis is presented, based on trends found in various reports and news reports. In addition, and also to understand how the Ombudsman's authority is implemented in practice, the analysis of several significant case studies, as briefly explained in the introduction, becomes very relevant, namely as follows:

1. **Agrarian Conflict (Rempang Case):** In the conflict over the development of Rempang Eco-City, the Ombudsman found allegations of maladministration committed by the Batam Business Agency (BP). The key finding is that BP Batam has reserved the land for the national strategic project in the midst of the issuance of the Land Management Rights (HPL).³⁶ This case highlights the crucial role of the Ombudsman in overseeing administrative processes in large-scale development projects that often clash with the rights of indigenous and local communities. The Ombudsman's intervention gave legitimacy to citizens' complaints and pressured the government to review its administrative procedures.

2. **Health Services (Sidakalang Hospital Case):** Severe maladministration at

Sidakalang Hospital, which led to the death of a baby in the womb. The mismanagement is due to the negligence and indiscipline of doctors who fail to perform medical procedures (ultrasound) immediately because they are attending a meeting at the DPRD.³⁷ This case is a clear example of how the Ombudsman functions as a protector of the public's right to quality and responsive basic health services. The recommendations issued not only target sanctions for individuals but also aim to improve the hospital's service system.

3. **Social Assistance (PKH Social Assistance Case):** The Ombudsman found maladministration in the distribution of Social Assistance for the Family Hope Program (PKH). A significant amount of help is not on target due to the incorrect data verification process.³⁸ These findings highlight the critical role of Ombudsman oversight in social safety-net programs, which are particularly vulnerable to irregularities and mis-targeting.
4. **Illegal Levy in the Education Sector:** The Ombudsman routinely handles reports of illegal levies in public schools in various modes, such as mandatory donations, comparative study money, or uniform money. In Central Java, for example, reports of illegal collection cases in schools are on the rise. The handling of these cases confirms the Ombudsman's role as guardian of the rights of citizens, especially from economically weaker

³⁶ Titis Anis Fauziyah, "Ombudsman Receives 264 Reports Regarding Alleged Donation Fraud in Elementary and Junior High School," *KOMPAS.Com*, June 23, 2023, <https://regional.kompas.com/read/2023/06/23/182434978/ombudsman-terima-264-laporan-soal-dugaan-pungli-sumbangan-di-sd-dan-smp>.

³⁷ Head of the Ombudsman of the Republic of North Sumatra, "Ombudsman of the Republic of Indonesia Finds Maladministration Violations at

Sidaalang Hospital," *Ombudsman of the Republic of Indonesia*, February 14, 2023, <https://ombudsman.go.id/perwakilan/news/r/pwkmedia--ombudsman-ri-temukan-adanya-pelanggaran-maladministrasi-di-rsud-sidakalang>.

³⁸ Stephanus Aranditio, "Ombudsman Finds Maladministration in PKH Social Assistance," *KOMPAS.Com*, January 18, 2024, <https://www.kompas.id/artikel/ombudsman-temukan-maladministrasi-dalam-bansos-pkh>.

groups, to access basic education services free from illegal fees.³⁹

5. Rejection by State Institutions (Conflict with the KPK): The case of the KPK's refusal to be examined by the Ombudsman regarding the report of Brigadier General Endar Prianoro is the most constitutionally challenging case study. The KPK argues that, as an independent institution⁴⁰ They are not under the Ombudsman's supervision. This conflict opens up a fundamental debate about the limits of authority and hierarchy between independent state institutions. This case shows that even with a clear mandate under the law, the Ombudsman can still face strong resistance from other state institutions that test the limits of its political and legal power.

Ombudsman Strengthening Strategy: A New Concept for Future Resolutions

Despite various challenges, the Ombudsman of the Republic of Indonesia has several strategic opportunities to enhance its effectiveness and relevance in the future. Digital Transformation and Data Utilisation in the digital era present significant opportunities for the Ombudsman to transform its supervisory methods. The use of *big data analytics* and *knowledge Management* can enable more efficient, transparent, and even predictive supervision. By analysing thousands of reports that come in every year, the Ombudsman can systematically identify patterns, trends, and points prone to maladministration. This approach will strengthen the data analytics ecosystem to support faster, knowledge-based public

³⁹ Titis Anis Fauziyah, "The Ombudsman Received 264 Reports Regarding Alleged Donation Fraud in Elementary and Junior High School."

⁴⁰ Yevhen Leheza *et al.*, "Combating Corruption Offenses: Foreign Experience, Theoretical, Practical, Legal Regulations, and Improvement", *Jurnal Hukum Islam* 23, no. 1 (2025), <https://doi.org/10.28918/jhi.v23i1.10>

⁴¹ Tatiana Antipova, "Digital Public Sector Auditing: A Look into the Future," 509, n.d.,

services. In addition, the increasing number of digitised public services will create a digital footprint that is easier to monitor and audit, reducing hidden irregularities and practices.⁴¹

1. Increased Public Participation: The development of information technology also expands public access and participation in supervision. Public participation is considered vital to ensure that the law-making process is transparent and inclusive, with outcomes that truly align with citizens' aspirations and needs.⁴² The national complaint platform and the widespread use of social media have become effective channels for citizens to report complaints and monitor their follow-up. This active public involvement not only increases the number of reports but also builds social and political pressure on government agencies to improve their services. The Ombudsman can harness this public energy as an additional "eyes and ears" across the country.
2. Strategic Collaboration: The Ombudsman cannot work alone. A great opportunity lies in strengthening collaboration with various stakeholders. Cooperation with universities can produce in-depth academic studies on public service issues and help socialise the Ombudsman's function to younger generations. This collaboration creates a more solid and multi-stakeholder oversight ecosystem.

On the other hand, the Ombudsman also faces significant threats that can hinder its performance.

<https://www.researchgate.net/publication/330542766>.

⁴² Aan Eko Widiarto *et al.*, "The Authority Relationship of Central and Local Governments in Forming Laws and Regulations: Between Indonesia and Malaysia," *Legality : Jurnal Ilmiah Hukum* 33, no. 1 (February 2025): 148–67, <https://doi.org/10.22219/ljh.v33i1.36629>.

1. Political Intervention and Bureaucratic Resistance: The biggest and most fundamental threat is the potential weakening of independence through political intervention and resistance from the supervised bureaucracy. The rejection of politically powerful state institutions, as the KPK has shown, is a clear example of this threat. At the regional level, regional heads with a strong political base may feel compelled to comply with the Ombudsman's recommendations, particularly when they conflict with their political or economic interests. This resistance is a form of resistance to the *Checks and balances mechanism*.
2. Resource Constraints: There is a marked imbalance between the breadth of jurisdiction and workload of the Ombudsman and the availability of budgets and human resources (HR). With representative offices in 34 provinces and the authority to oversee thousands of government agencies, SOEs/BUMDs, and state-funded private service providers, the Ombudsman is often overwhelmed. The lack of personnel, particularly the Assistant Ombudsman, who spearheads the field, and the limited budget for investigations and socialisation, pose serious structural obstacles.
3. Low Public Awareness: Despite having been operating for more than two decades, there are still many Indonesians, especially in remote areas, who are unaware of the existence and function of the Ombudsman. This low level of public awareness reduces the effectiveness of the Ombudsman as the primary channel for complaints. If the public does not know where to report, then many cases of maladministration will never be revealed and resolved.

Analysis of the Ombudsman's annual report data can provide a deeper perspective. The number of reports reaches tens of thousands every year.⁴³ It is not just a statistical number. This data serves as a barometer of the health of Indonesia's bureaucratic and political institutions. By mapping the sources of reports (e.g., local government, police, land is the most reported sector), the Ombudsman can make a precise diagnosis to identify which "organs" in the bureaucratic body are most "sick" or maladjusted.

To address these challenges and capitalize on existing opportunities, a comprehensive set of policy steps is needed to strengthen the Ombudsman of the Republic of Indonesia. This recommendation covers legal, institutional, and operational strategy aspects, as explained as follows:

1. Strengthening Legal and Executive Aspects

The main weakness of the Ombudsman lies in the coerciveness of its recommendations. Therefore, strengthening this aspect is a top priority. Due to the amendment of Law No. 37 of 2008, it is necessary to conduct an in-depth study to amend Law No. 37 of 2008 to clarify and strengthen the executive power of recommendations. Some options that can be explored include:

- a. Giving legal status to the Ombudsman's Recommendation, which is equivalent to a court decision that has permanent legal force (*inkracht van gewijsde*), especially for cases of maladministration that are proven to be blatantly and detrimental to the fundamental rights of citizens.
- b. Creating an "automatic administrative sanction" mechanism. This means that if a recommendation is not implemented by the Reported Party or his superiors within the specified time limit (e.g. 60 days), then

⁴³ Dwi Anggraeni Septianingtiyas and Sulistyowati, "Analysis of the Role of the Ombudsman of the Republic of Indonesia for the 2016-2021 Period as Public Service Supervision," *Journal of Politics and*

Government Studies 10, no. 1 (2021), <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/29567/24843>.

administrative sanctions—such as delay in promotion, deduction of performance allowances, or other disciplinary sanctions—can be imposed automatically by the competent ministries (e.g., the Ministry of Home Affairs for Regional Governments, the Ministry of PAN-RB for ASN) without the need for additional political approval from the President or the House of Representatives. This will eliminate the gap in political discretion that has been an obstacle.

2. Institutional and Capacity Strengthening

Strengthening the law must be balanced with strengthening institutions' internal capacity.

a. Increasing Budget and Human Resources Allocation: The government and the House of Representatives need to prioritise increasing budget allocation and human resource formation for the Ombudsman. The primary focus should be on strengthening representative offices in the regions, which serve as the spearhead for receiving and handling community reports. Personnel and budgetary limitations in the areas are among the main factors inhibiting the Ombudsman's effectiveness nationally.⁴⁴

b. Synergy and Cooperation Protocol: The Ombudsman must establish a more formal and structured cooperation protocol with other supervisory institutions, such as the BPK, KPK, Komnas HAM, and the Information Commission. This is important to avoid overlapping authority, sharing information, and even conducting joint investigations into systemic cases involving corruption, human rights

violations, and maladministration simultaneously.

c. Transparency of the Leadership Selection Process: To maintain the independence and integrity of the institution, the selection process for the Ombudsman leadership must be carried out in a more transparent and participatory manner. The active involvement of civil society and the public in tracking candidates' track records is essential to ensure the selection of figures who are not only competent but also courageous and committed to public service.⁴⁵

3. Operational Strategy of the Ombudsman's Work

The Ombudsman needs to strategically shift some of its focus from handling reports (firefighting) to preventing maladministration (*fire prevention*).

a. Utilisation of Data for Systemic Prevention: The Ombudsman should optimise the use of incoming report data to conduct trend analysis and identify systemic root causes. The results of this analysis must be translated into policy recommendations and proactively submitted to the government and the House of Representatives. Thus, the Ombudsman not only resolves one case but also prevents thousands of similar cases from occurring in the future.⁴⁶

b. Intensification of Socialisation and Public Education: Socialisation efforts on what maladministration is, how it impacts, and how to report it must be increased massively and in a structured manner, reaching all levels of society, to remote

⁴⁴ Rheina Intan Permata and Achluddin Ibnu Rochim, "Implementation of the On-the-Spot Report Verification Receipt Program (PVL) in the Prevention of Public Service Maladministration at the Representative Ombudsman of East Java Province," *PRAJAObserver: Journalnal of Public Administration Research* 5, no. 01 (2025): 46–60.

⁴⁵ Abd Kahar and Warda said, "Transparency and Public Participation as the Implementation of the Merit System in the Open Selection of Primary High

Positions," *PARADIGMA: Journal of Public Administration* 2 (December 2023): 53, <https://doi.org/10.55100/paradigma.v2si.57>.

⁴⁶ Andi Setyo Pambudi *et al.*, "Priority Analysis Of Big Data-Based Public Service Maladministration Supervision," *Journal of Public Administration* Volume 16 | Number 1 | June 2025 (June 2025): 128, <https://jurnal.untirta.ac.id/index.php/jap/article/view/31700/15013>.

areas, to prevent maladministration.⁴⁷ The goal is to build awareness and an anti-maladministration culture among citizens, so that they are more courageous in demanding their rights and reporting irregularities.

c. Strengthening Whistleblower Protection: The success of surveillance depends heavily on the courage of insiders (*whistleblowers*) to report. The Ombudsman needs to strengthen the protection mechanism for whistleblowers, in collaboration with the Witness and Victim Protection Agency (LPSK), to ensure their confidentiality and security from any form of threat or retaliation, both physical and administrative.

Conclusion

This study demonstrates that despite its strong juridical foundation and extensive investigative authority, the Ombudsman of the Republic of Indonesia remains institutionally constrained in ensuring compliance with its recommendations. The persistent treatment of Ombudsman recommendations as non-binding moral appeals reflects deeper structural problems, including bureaucratic resistance and limited institutional capacity. These constraints undermine the Ombudsman's effectiveness as a mechanism of administrative accountability. The findings further indicate that strengthening the Ombudsman requires not merely procedural adjustments, but a recalibration of its legal status, institutional capacity, and strategic role within Indonesia's oversight system. Enhancing the enforceability of Ombudsman recommendations, coupled with greater institutional autonomy, resource adequacy, and proactive engagement with society, is essential to transform the Ombudsman from

a reactive complaint-handling body into an effective guardian of good governance. Ultimately, the effectiveness of the Ombudsman serves as a critical indicator of Indonesia's commitment to the rule of law, democratic accountability, and the protection of citizens' rights in public service delivery.

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⁴⁷ Winni Ahatri et al., "The Role of Public Administration Ethics in Preventing Maladministration in Indonesia," *Journal of Communication and Socio-Political Sciences* Vol. 02

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