

Actualization of Public Service Principles by the Ombudsman of the Republic of Indonesia

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ABSTRACT

The Ombudsman is an independent institution where in carrying out its duties and authorities the Ombudsman runs independently and there is no interference from other institutions or agencies. In this article, we use qualitative normative methods to present data critically and descriptively based on legal norms, legal theories, and legal doctrines regarding the Ombudsman. Using this method, we will present transparently the extent to which the ombudsman is effective in carrying out his functions and duties, especially in handling administration based on the principles of public service, of course, related to the General Principles of Good Government. With the results of the research we conduct, it can provide an overview of the existence of the Ombudsman whether it is optimal and significant for handling and improving the quality of public services with several challenges faced in it such as human resources and compliance from government agencies. With some of the things that we will describe, we will be able to underline the importance of the role and also the existence of the Ombudsman in serving in the community in accordance with the General Principles of Good Government.

Introduction

Organizing public services is one of the objects of the Ombudsman in conducting supervision. Law No. 25/2009 on public services states explicitly that the state is obliged to serve every citizen and resident to fulfill their rights and basic needs within the framework of public services which is the mandate of the 1945 Constitution of the Republic of Indonesia; and that building public trust in public services is an activity that must be carried out in line with the expectations and demands of all citizens and residents regarding improving public services. So it is very clear that through public services by the state to the community is an obligation for the Ombudsman which then later this public service is one of the ways in achieving state goals. Public service is defined as one of the strategic issues in

Indonesia because it involves basic needs that must be obtained by the community. Public service can be explained as a process of providing services carried out by public service providers to the community without ever discriminating against certain groups, both from ethnicity, religion or race. Indonesia Law Number 25 of 2009 regarding Public Services, explains that public services are activities in the context of fulfilling service needs in accordance with laws and regulations for each citizen and population related to goods, services and administrative services provided by public service providers.¹

The creation of the National Ombudsman's Commission in Indonesia followed a commitment made by Abdurrahman Wahid in his presidential inauguration speech of October 1999. This became embodied in Presidential Decree (Keppres) 44/2000, and the KON was established in March 2000. The Keppres provides for a commission of nine members, headed by a chief ombudsman and a deputy ombudsman. Wahid named Anton Sujata, a former deputy attorney general, as the chief ombudsman, and empowered him to appoint the other members of the commission. Under Keppres 44/2000 the responsibilities of the KON are to receive complaints from the public about maladministration, and request clarification or information from the government agency concerned; to make recommendations to the agency and monitor its compliance with them; and to report on its activities to the president of Indonesia.² In Indonesia itself, the existence of the Ombudsman is expected to provide protection for the community by providing good, fast service, not burdening the community in administration and of course providing quality services in accordance with the objectives and functions of the Ombudsman. Which is in article 6 of Law of the Republic of Indonesia Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia which functions to oversee the implementation of public services organized by State Administrators and governments both at the central and regional levels including those organized by State-Owned Enterprises, Regionally-Owned Enterprises, and State-Owned Enterprises as well as private entities or individuals assigned the task of organizing certain public services.³

In carrying out its functions and objectives, this Ombudsman must be based on the General Principles of Good Government or AAUPB. This AAUPB can be used as a basis and procedure in the administration of good governance, in which way the administration of government becomes good, polite, fair, and honorable, free from malice, violation of regulations, acts of abuse of authority and arbitrary

¹ Ida Bagus Made Putra Dharmika dan I Nyoman Subanda, "The Effectiveness of Public Services in Realizing Good Governance," *Aptisi Transactions on Technopreneurship (ATT)* 5, no. 1Sp (11 Juli 2023): 77–83, <https://doi.org/10.34306/att.v5i1Sp.327>.

² Stephen Sherlock, "Combating Corruption in Indonesia? The Ombudsman and the Assets Auditing Commission," *Bulletin of Indonesian Economic Studies* 38, no. 3 (Desember 2002): 367–83, <https://doi.org/10.1080/00074910215532>.

³ Pasal 6 Undang – Undang Republik Indonesia Nomor 37 Tahun 2008 tentang Ombudsman Republik Indonesia

actions. In State Administration, AAUPB is useful as a guide in interpreting and applying statutory provisions that are vague, vague, or unclear. That, it also limits and avoids the possibility of state administration using free ermessen or conducting policies that deviate far from statutory provisions. Another obstacle in real-life problems is that it cannot carry out comprehensive monitoring in work areas that are far away because of the lack of resources in this Ombudsman.⁴

The ombudsman can only receive complaints via whatsapp, even though the ombudsman should have the authority to go to the field to ensure whether the procedure is implemented or not. So, it is clear that the implementation of the duties and authority of the ombudsman has not been carried out optimally. With this non-optimal implementation, it is feared that it will lead to maladministration in the delivery of public services.⁵ The ombudsman is said to be an independent institution but in practice the location of the ombudsman is still abstract because the ombudsman himself is not clear whether he is in the province, district or city. The ombudsman is also said to be a public servant institution but in society the ombudsman is still poorly known or even almost unknown.

In carrying out good public services as mentioned earlier, that in its implementation it must be in accordance with AAUPB where there are several general principles of state administration in accordance with Article 3 of Law Number 28 of 1999, namely there are principles of legal certainty, principles of orderly state administration, principles of public interest, principles of openness, principles of proportionality, principles of professionalism, and principles of accountability. The implementation of the ombudsman in society is still a lot that is not in accordance with these principles, for example in the principle of openness of the Ombudsman is still lacking in opening up to the public to obtain true, honest, and non-discriminatory information about the administration of the state while still paying attention to the protection of personal rights, groups, and state secrets. With this introduction, it can be seen that we made a problem formulation, namely:

Methods

In this paper or article we use normative and qualitative research methods. The purpose of the approach with this qualitative normative method is that it is hoped that this paper or article will be able to present discussions that are in accordance with the regulations and implementation of this Ombudsman in the community. With the formulation presented using this normative method, it will be possible to see the conformity between the reality and expectations of the community associated with legal formulations.

⁴ DR. Ridwan HR, *Hukum Administrasi Negara*, revisi-1 (PT RajaGrafindo Persada Jakarta, 2014).

⁵ Dyah Swastika dan Sri Nur Hari Susanto, "Peran Ombudsman Republik Indonesia Perwakilan Provinsi Jawa Tengah dalam Penyelesaian Pengaduan Pelayanan Publik Bidang Pendidikan," *Administrative Law* 5, no. 1 (2022).

The qualitative method is used to understand events in society through interpretation and description. It is an inductive method, which means that it lets the data speak. This method explores the subject matter or problem formulation by looking at the occurring phenomena and developing theory and understanding.

By using qualitative and normative methods simultaneously, the development of values, morality, and justice in society will be more visible and clear. Understanding the prevailing norms and circumstances in society will help reveal the governing norms, priorities, and decision-making process of an action.⁶ In normative legal research, the qualitative analysis presents a discussion that abstractly answers the problem formulation.⁷

Discussion

The Role of the Ombudsman in Improving the Quality of Government Public Services in Indonesia

Bryan Gilling, in his article entitled 'The Ombudsman', states that in New Zealand, the ombudsman is tasked with protecting the rights of weak people from the government's abuse of power. Former President of the Ombudsman Association of the United States, Dean M. Gottehre, said that the ombudsman is rooted in the principle of justice and is part of the supervisory mechanism in the constitutional system.⁸ According to Thomas Jefferson in creating good governance (Good Government), the government must be more responsive and less rigid⁹, but irregularities are still widely found in implementing public services, where many people do not get fair and equal treatment, such as illegal fees, nepotism, or abuse of authority.¹⁰

Whereas public service is the fulfillment of community needs in accordance with the laws and regulations that form the creation of interaction between the apparatus and the community. So, for this reason, an agenda to improve public services for the benefit of the public was set up to form a public organizing body called the Ombudsman. The Ombudsman itself is an independent institution that has the task of overseeing public service providers organized by the state and other

⁶ Muhammad Firmansyah, Masrun Masrun, dan I Dewa Ketut Yudha S, "ESENSI PERBEDAAN METODE KUALITATIF DAN KUANTITATIF," *Elastisitas - Jurnal Ekonomi Pembangunan* 3, no. 2 (16 September 2021): 156–59, <https://doi.org/10.29303/e-jep.v3i2.46>.

⁷ Meray Hendrik Mezak, "Jenis, Metode dan Pendekatan Dalam Penelitian Hukum," *Law Review* 5, no. 3 (2006): 85–97, https://www.academia.edu/download/33676150/lw-05-03-2006-jenis_metode_dan_pendekatan.pdf.

⁸ Rahayu Subekti dkk, *Buku Ajar Hukum Administrasi Negara*, (Widina Bhakti Persada : Bandung 2022),

⁹ Ikhsan Fatah Yasin, "EKSISTENSI AAUPB DI INDONESIA DAN YURISPRUDENSINYA DALAM PERKARA TUN" 8, no. 1 (2018). <https://doi.org/10.15642/ad.2018.8.2.296-317>

¹⁰ Hastuty Christin Nalle, J., Yohanes, S., & Ratu Udju, H. (2023). Kedudukan Ombudsman Republik Indonesia dan Implikasi Rekomendasinya dalam Penegakan Hukum di Indonesia: Perspektif Hukum Tata Negara. *COMSERVA : Jurnal Penelitian dan Pengabdian Masyarakat*, 3(1), 271–279. <https://doi.org/10.59141/comserva.v3i1.768>

business entities whose sources of funds come from the APBN or APBD.¹¹ Institutionally, the Ombudsman is outside of power and government. Therefore, the Ombudsman can be free in determining supervision and the results of supervision.¹² To fulfill their basic rights and needs within the framework of public services, an ombudsman was formed to oversee every public service process so that the state is obliged to serve every citizen. The emergence of the ombudsman itself as a supervisory body for public service policies serves to oversee, and receive reports and complaints or complaints for inconveniences received by the public in public services. The implementation of this supervision is carried out by the ombudsman in order to support the realization of good governance, which can be fully implemented if there is a strong desire to be guided by laws and regulations. In the field of state administration, the government guarantees the continuity of government by serving the citizens. The purpose of the state as the ideals of the Pancasila and the 1945 Constitution is to create welfare (welfare state) to the community. So the state positioning itself as a Public service (organizer of public interest) is a term of coverage covering all the roles and functions of the government as a political state (political state) or as a legal state (state of law) as well as an administrative state (administrative state).¹³

Then what about the role of ombudsman in improving the quality of government public services in Indonesia? Based on law number 37 of 2008 article 1 paragraph 1 it says "The Ombudsman of the Republic of Indonesia, hereinafter referred to as the Ombudsman, is a State institution that has the authority to oversee the implementation of public services both organized by state and government administrators including those organized by State-Owned Enterprises, Regionally-Owned Enterprises, and State-Owned Legal Entities as well as private entities or individuals assigned the task of organizing certain public services, some or all of which are sourced from the state revenue and expenditure budget and / or regional revenue and expenditure budgets."

Public value is reflected in society's evaluation of organizations, services, and programs, based on strategic principles such as Mark Moore's Strategy Trilogy. The public management and policy perspective emphasizes the effectiveness and efficiency of public services. Public sector managers must maintain a balance between service, benefits and trust to create optimal public value. Political, procedural and balance dimensions with the external environment are also important in shaping public values. The concept of public value includes strategic, political and operational aspects, takes into account the needs and aspirations of society and

¹¹ Conie Pania Putri, "PERANAN DAN FUNGSI OMBUDSMAN REPUBLIK INDONESIA DALAM EFEKTIVITAS PENEGAKAN HUKUM," 2020. <https://ojs.ukb.ac.id/index.php/sol/article/view/191>

¹² Suparman Marzuki, "Komisi Ombudsman Daerah dan Good Governance", *Jurnal Hukum Ius Quia Iustum*, Edisi No. 22 Vol.10, (2003), 16–26. <https://doi.org/10.20885/iustum.vol10.iss22.art2>

¹³ Nehru Asyikin, "Legal Politics of Bureaucratic Reform in Really Good Governance According to Prophetic Law," *Legality: Jurnal Ilmiah Hukum* 28, no. 1 (30 Maret 2020), <https://doi.org/10.22219/ljih.v28i1.10393>.

requires a deep understanding of the relationship between inputs, production processes, outputs, clients and desired social outcomes. So, it can be said that in order to avoid maladministration practices such as corruption, collusion, and nepotism, a public service supervisor called the ombudsman was formed as a controller of the duties of state and government administrators. In terms of administrative law, supervision is needed so that the implementation of government administration is in accordance with legal norms and provides legal protection for the people. So, we assume that the main role of the ombudsman himself is to be a supervisor of public institutions in order to avoid maladministration such as corruption, collusion and nepotism. It can be seen that the Ombudsman is an independent institution that has no interest in power or government, so the Ombudsman can be fair as a supervisor.¹⁴

Implementation of Ombudsman Supervision in Implementing General Principles of Good Governance in Government

Before discussing further the supervisory role of the ombudsman institution based on AAUPB, it is better if we know what AAUPB is. H.D. van Wijk or Williem Konijnenbelt argues that AAUPB is the government organs that receive the authority to take certain actions carry out their actions not only bound by laws and regulations; written law, in addition the government organs must pay attention to unwritten law, namely the general principles of good governance. According to J.B.J.M ten Berge, the word principle has several meanings, namely the starting point, basis, or fundamental legal rules where the judiciary develops the principles of proper or good government as binding legal rules that are applied to government actions. And assuming that the government's decision is contrary to the hope of good governance means that it is contrary to the rule of law. Meanwhile, according to Philipus M. Hadjon, AAUPB is seen as unwritten legal norms that the government must always obey.¹⁵

In accordance with article 1 paragraph (3) of the Constitution of the Republic of Indonesia that "The State of Indonesia is a State of Law", which has a constitution known as the 1945 Constitution. Aiming to protect the entire Indonesian nation and the entire Indonesian homeland and to advance the general welfare, educate the nation's life, and participate in implementing a world order based on independence, lasting peace and social justice. As stated in the 4th paragraph of the preamble of the Constitution of the Republic of Indonesia. Ironically, at this time the law is not running with the corridor it should be. Indonesia started with democratization and decentralization reforms in governance and development, with the enactment of

¹⁴ I Gusti Made Darma dkk., "Regional Governance Based on Public Value: Study in East Ogan Komering Ulu Regency Government, Indonesia," *Revista de Gestão Social e Ambiental* 18, no. 9 (30 April 2024): e06136, <https://doi.org/10.24857/rgsa.v18n9-049>.

¹⁵ Husnul Hakim, "SINERGI ANTARA GOOD GOVERNMENT DAN AZAS-AZAS UMUM PEMERINTAHAN YANG BAIK (AAUPB) DALAM UPAYA PENCEGAHAN KORUPSI," *DIALEKTIKA: Jurnal Ekonomi dan Ilmu Sosial* 7, no. 2 (1 Oktober 2022): 191–200, <https://doi.org/10.36636/dialektika.v7i2.1461>.

Law No. 22 of 1999 on Reform, which has now been revised into Law No. 32 of 2004, which was replaced by Law No. 23 of 2014 concerning Local Government jo. Law No. 6 of 2023 concerning Job Creation. Through the law, the government is expected to be able to change the paradigm shift from a centralized government system to a decentralized one. It is based on the desire of the people to realize good governance, which according to the United Nations Development Programme (UNDP), has the following characteristics: participatory, law enforcement, transparency, responsiveness, equitable, consensus-oriented, effective and efficient, strategic, and accountable vision. Those characteristics have already been adopted by Law No. 23 of 2014 and Law No. 37 of 2008 concerning the Ombudsman and many other national legal instruments, with its differences commonly referred to as the general principle of good governance.¹⁶

Basically, the one responsible for the discrepancies in the law that have occurred at this time is the government, because the government is an organization that has the power to make and apply laws and regulations in certain areas. The main function of the government is to provide public services to the community, organize development, and organize government to regulate and manage the community, by creating peace and order that protects and prosper the community. In line with Good Governance principles, which aim to realize a professional and accountable, good, clean and authoritative government.¹⁷

Then in line with the principles of democracy, public participation is the main goal of the implementation of Good Governance. In its development, the Ombudsman of the Republic of Indonesia has representatives in every province throughout Indonesia. The establishment of institutions in each province is of course with the aim of bringing the ombudsman's function as a public service oversight institution closer to the community in the regions. Not many people know the position and function of the Ombudsman of the Republic of Indonesia, as one of the state side institutions, the public knows more about side institutions such as the Constitutional Court, KPK, or KY.¹⁸

In fact, these institutions were born almost at the same time, namely after the reformation. However, the Ombudsman institution's duties and functions are not the same as other institutions such as the KPK, MK, and KY which can examine and follow up on reported cases. However, the regulations governing the

¹⁶ M. Misbahul Mujib dan 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 (27 Juni 2023): 328–60, <https://doi.org/10.53955/jhcls.v3i2.98>.

¹⁷ Ibad, S. (2021). Hukum Administrasi Negara Dalam Upaya Penyelenggaraan Pemerintahan Yang Baik. *HUKMY : Jurnal Hukum*, 1(1), 55–72. <https://doi.org/10.35316/hukmy.2021.v1i1.55-72>

¹⁸ Yusuf Durachman dkk., "Analysis of Factors That Affect The Quality of E-Government Services: A Case Study in Ombudsman of the Republic of Indonesia," dalam *2020 8th International Conference on Cyber and IT Service Management (CITSM)* (2020 8th International Conference on Cyber and IT Service Management (CITSM), Pangkal Pinang, Indonesia: IEEE, 2020), 1–7, <https://doi.org/10.1109/CITSM50537.2020.9268796>.

Ombudsman have generated a lot of controversy which has resulted in a lack of public trust in government institutions that regulate all types of supervision of public service delivery. As is the case with Law Number 37 of 2008 concerning Ombudsman, which is almost the same legal substance as Law Number 25 of 2009 concerning public services which will spontaneously lead to dualism of authority, the implementation of public services is one of the important functions to realize good governance (good governance) in addition to distribution, regulation, and protection.

This function is a real social contract the community gives to the government in the context of the principal-Agent relationship. One of the problems that exist is the rampant practice of maladministration in the field of public services. Such as the way of working that is not in accordance with existing regulations, the number of illegal fees, the time that is not in accordance with the procedure, and the number of public officials who abuse their authority. Therefore, one of the ways for the government to realize good governance is in the field of public services, because it is in the field of public services that the public can directly feel good governance. So it can be concluded that the role of the Ombudsman institution here is very important because its duties and functions are in accordance with the existing problems, namely overseeing public services to be free from corruption, collusion and nepotism.¹⁹

The Ombudsman has the main task of supervising the implementation of public services in order to realize good governance. In addition, upholding the principles of good governance will better ensure the delivery of public services that are clean, transparent, honest, free from corruption, collusion and nepotism. Then, it encourages public participation in conducting supervision as a form of democratization to prevent abuse of power, position, and authority which in fact is vulnerable to discretion. Therefore, basically the Ombudsman has full authority in terms of overseeing the implementation of discretion. The form of supervision is to ensure through examination whether the discretion exercised by public service providers is in accordance with the rules or on the contrary provides concrete evidence of maladministration.²⁰

The authority of the Ombudsman institution according to Law No.37 of 2008 concerning the Ombudsman of the Republic of Indonesia is an institution that has the authority to oversee the implementation of public services both organized by State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMD), and State-Owned Legal Entities (BHMK), as well as private or individually owned entities that are given the task of organizing certain public services, some or all of

¹⁹Solechan. (2018). Memahami Peran Ombudsman Sebagai Badan Pengawas Penyelenggaraan Pelayanan Publik di Indonesia. *Administrative Law & Governance Journal*, Vol. 1 Edisi 2 Mei 2018. <https://doi.org/10.14710/alj.v1i1.67-89>

²⁰ Deni Setiawan dan Siti Rodhiyah Dwi Istina, "Executorial Power of State Administrative Court Decisions Associated with General Principles of Good Government" 6, no. 3 (2023).

which are sourced from the State revenue and expenditure budget or regional revenue and expenditure.

Article 2 of Law No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia states that the Ombudsman institution is a State institution that is independent and does not have any relationship with other State institutions or government agencies, and in carrying out its duties and authorities is free from interference from other powers.

In the development of laws and regulations, the difference between presidential decrees and regulations is that decisions (*beschikking*) are always individual, concrete and apply only once (*enmaligh*). Meanwhile, a regulation is a demand that applies continuously, which is general and abstract. Presidential decrees are legal norms that are concrete, individual and once completed. Likewise with the Ombudsman institution of the Republic of Indonesia, which according to the latest Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia updates Presidential Decree Number 44 of 2000 concerning the Indonesian Ombudsman Commission.²¹

The existence of the Ombudsman institution raises several questions, in terms of government, whether the functions carried out by the Ombudsman institution do not overlap with the roles and functions carried out by existing State institutions, considering that the function of supervising the government and judicial institutions has also been carried out by institutions and a number of government agencies in accordance with their respective capacities, The presence of Ombudsman institutions in various regions throughout Indonesia is expected to be able to realize the implementation of local governments that are clean, democratic, transparent and accountable and free from corruption, collusion, and nepotism, abuse of power or position, and arbitrary actions and help every community to obtain good, quality and professional public services based on the principles of legal certainty, justice, and local government regulations, therefore Ombudsman institutions are formed in various regions throughout Indonesia. Thus, from the various explanations that have been put forward above, it can be seen that this Ombudsman institution is a form of State institution whose task is to supervise the abuse of public services in order to achieve good, clean government and free from maladministration practices.²²

The position of the Ombudsman in the supervisory system in Indonesia, as stated earlier, is that the main purpose of the Ombudsman institution in Indonesia is as a supervisory institution. This is evident from the preamble of the Presidential Decree of the Republic of Indonesia Number 44 of 2000, which states, among other things:

²¹Rosdiyanti, E. (2021). PELAKSANAAN FUNGSI HUKUM ADMINISTRASI NEGARA. *JIHAD : Jurnal Ilmu Hukum dan Administrasi*, 3(1). <https://doi.org/10.58258/jihad.v3i1.2348>

²² Filemon Halawa, "PENGUATAN DAN PERLINDUNGAN HUKUM BAGI OMBUDSMAN RI SEBAGAI PENGAWASAN PELAYANAN PUBLIK" 7, no. 2 (2023). <https://doi.org/10.56338/mlj.v7i2.3966>

- a. That empowering the public through their participation in supervision will better ensure the administration of the State that is honest, clean, transparent, free from corruption, collusion and nepotism.
- b. That the empowerment of supervision by the community towards the administration of the State is an implementation of democracy that needs to be developed and applied so that abuse of power, authority or position by the apparatus can be minimized.
- c. That in connection with the foregoing and paying close attention to the aspirations developing in the community, while preparing the Draft Law regulating the Ombudsman institution in full, it is deemed necessary to establish an independent public oversight commission to be called the National Ombudsman Commission.²³

Similarly, according to Law No. 37/2008 as stated in article (1) which has been disclosed earlier, the Ombudsman is a State institution that has the authority to oversee the implementation of public services both organized by State and government administrators including those organized by State-Owned Enterprises, Regionally-Owned Enterprises, and State-Owned Legal Entities as well as private entities or individuals assigned the task of organizing certain public services, some or all of which are sourced from the State revenue and expenditure budget and or regional revenue or expenditure budgets. The difference between the Ombudsman's supervision and other supervisory institutions has been explained above, that the Ombudsman is one of the supervisory institutions in Indonesia. Is there any difference between the supervisory function carried out by the Ombudsman and other supervisory institutions? When examined closely the regulations governing existing supervisory institutions, it appears that the position and function of the Ombudsman institution as a supervisory institution is not the same as other supervisory institutions, both external ones such as the Court, the Supreme Audit Agency (BPK), the House of Representatives (DPRR) / Regional House of Representatives (DPRD), and internal ones such as the Financial and Development Supervisory Agency (BPKP), the Corruption Eradication Commission (KPK), the Prosecutor's Office, the Inspectorate General (IRJEN), in each Department or LPND, the Regional Inspectorate in each Province, Regency or City.²⁴

Conclusion

Based on the explanation above, according to Law Number 37 of 2008 as confirmed in article (1) that the Ombudsman is a state institution as a controller who has the task of overseeing the implementation of public services so that the state is

²³Maheswara, M. D., Nasution, R. D., Hilman, Y. A., & Harsono, J. (2022). Implementasi Pelayanan Publik Berbasis HAM di Kantor Imigrasi Kelas II Non TPI Ponorogo. *Spirit Publik: Jurnal Administrasi Publik*, 17(1), 55. <https://doi.org/10.20961/sp.v17i1.64256>

²⁴ Ishak, N. (2022). Efektivitas Pengawasan Pelayanan Publik oleh Ombudsman Republik Indonesia. *Mulawarman Law Review*, 71–88. <https://doi.org/10.30872/mulrev.v7i1.834>

obliged to serve every state citizen organized by the state and other business entities whose sources of funds are from the APBN / APBD. The Ombudsman himself is an institution that is independent of the government so he is independent and free in supervision and the results of supervision, because the ombudsman acts as a supervisory body for public services, its function is to supervise and receive reports and complaints or complaints about the inconvenience received by the public in public services. Ombudsman deviations are also often found in the implementation of public services even though these services are the fulfillment of community needs in accordance with the laws and regulations that can shape the creation of interactions between the apparatus and the community.

Basically, the one responsible for the current legal discrepancies is the government, whose main function is to provide public services to the community, organize development, and organize the government to regulate and manage the community by creating peace and order that nurtures and welfare of the community in accordance with the principles and principles of Good Governance which aims to realize a professional and accountable, clean, good and authoritative government. To realize the role of good government ombudsman developed into representatives in each of the provinces throughout Indonesia of course with the aim to bring the ombudsman function as supervision of public services to the public in areas where not many people know the function and position of the ombudsman himself in Indonesia.

In the first problem formulation, it can be seen that the main objectives of the ombudsman are contained in the Presidential Decree of the Republic of Indonesia Number 44 of 2000. In the context of the role of the Ombudsman, it is expected to be an effective institution in dealing with problems and irregularities in public services. The Ombudsman himself is an independent institution that has the task of overseeing public service providers organized by the state and other business entities whose sources of funds come from the APBN or APBD, so that the Ombudsman can be a way so that there is no more maladministration.

Then seen from the formulation of the second problem which in the formulation discusses the implementation of the ombudsman institution's supervision based on AAUPB, it can be seen that the actual implementation of this institution still overlaps with the roles and functions of cloth institutions such as the KPK, MK, and KY. The position and function of the Ombudsman institution as a supervisory institution is not the same as other supervisory institutions, both external ones such as the Court, the Supreme Audit Agency (BPK), the House of Representatives (DPRR) / Regional People's Representative Council (DPRD), and internal ones such as the Financial and Development Supervisory Agency (BPKP), the Corruption Eradication Commission (KPK), the Prosecutor's Office, the Inspectorate General (IRJEN), in each Department or LPND, the Regional Inspectorate in each Province, Regency or City. With the existence of AAUPB, the

existence of Ombudsman in various regions is expected to be optimized in order to create a clean, democratic, transparent and accountable local government.

Therefore, improving the quality of the ombudsman is the responsibility of the Cooperation era between the Ombudsmen, government and society. So that with the increasing quality of the ombudsman will have a good impact and protection also for the government, especially for the community. That way the Ombudsman will become one of the important institutions in the instrument to achieve the state goals stated in the opening of the Constitution of the Republic of Indonesia Alenia 4.

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