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Expansion of Authority of the Ombudsman Indonesia in Giving Sanctions Against Maladministration of Public Services

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Abstract

Public services should ideally be organized to ensure equal access for all citizens. However, in practice, maladministration is often found that is detrimental to the rights of the community. The Ombudsman of the Republic of Indonesia as a state institution authorized to supervise the implementation of public services, has the authority to issue recommendations as a form of correction for maladministration by state administrators. However, the implementation of these recommendations is often ignored, which

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reflects the weak law enforcement mechanism for the results of this supervision. This study aims to examine: (1) the existence of the authority of the Ombudsman of the Republic of Indonesia in supervising the implementation of public services based on the provisions of laws and regulations; and (2) the legal design of the expansion of the Ombudsman's authority in imposing sanctions for maladministration based on the perspective of dynamic governance. The research method used is normative legal. The results of the study indicate that the Ombudsman's authority is based on strong historical and legal constructions, and has implications for institutions and the protection of community rights. The design of the expansion of authority is assessed through three indicators of dynamic governance, namely: adaptability to change, policy innovation, and handling policy complexity. This study recommends strengthening the legal and institutional basis to ensure that the Ombudsman's recommendations have effective binding power in the national legal system.

Keywords *Dynamic Governance; Authority; Supervision; Public Service; Welfare State.*

I. Introduction

Indonesia is a constitutional state in the form of a Republic as stated in Article 1 paragraphs (1) and (3) of the 1945 Constitution. Since the beginning of the reform era, the Indonesian government has undertaken various significant changes in several sectors, including the economy, social affairs, politics, and law. Referring to the formulation of the state's goals as stated in the fourth paragraph of the Preamble of the 1945 Constitution, particularly in the phrase “to

promote the general welfare," there are those who argue that Indonesia adheres to the concept of a welfare state. In accordance with Law Number 25 of 2009 concerning Public Services, the state has a non-negotiable obligation to ensure the fulfillment of the civil rights of every citizen, including direct public services. Therefore, an external supervisory institution with strength and independence is needed. One such institution is the Ombudsman of the Republic of Indonesia, which plays a significant role in overseeing administrative actions.

The supervision conducted by the Ombudsman focuses more on the occurrence of maladministration violations. Ideally, public services are designed to provide equal access for every individual. In reality, however, discriminatory treatment is frequently found in the delivery of public services. In addition, there is abuse of authority by public officials, where power is used for personal or group interests. These problems not only hinder the service process but also undermine the integrity and credibility of public institutions. One of the main authorities possessed by the Ombudsman is the issuance of recommendations as the final product to state administrators found to be involved in maladministration practices. These recommendations serve as a corrective mechanism based on thorough evaluation results, and can be interpreted as suggestions or, in some cases, as advice requiring follow-up action from the addressed party.

The essence of the Ombudsman's recommendation is to encourage public officials to improve the quality of services through moral awareness, not merely because of the threat of legal sanctions. In contrast, in Sweden, the authority and influence of recommendations not only result in morally

binding decisions but also legally binding ones. Furthermore, the Swedish Ombudsman functions as a quasi-judicial institution with the authority to act as a public prosecutor if the cases it handles cannot be resolved through a persuasive approach. Based on currently available information, specific data regarding the number and details of recommendations from the Ombudsman of the Republic of Indonesia (ORI) that were not implemented by the relevant institutions during the 2024 period has not yet been officially published. According to the 2023 Annual Report of the Ombudsman of the Republic of Indonesia, 20.70% of the recommendations were not implemented, while 62.10% were implemented/partially implemented. This data indicates that the implementation of recommendations has not been optimal. The 20.70% figure is not one to be ignored; rather, it highlights a legal gap—an inconsistency between das sein (what happens in reality) and das sollen (what ought to happen) in the context of applying positive law. The weakness in implementation underlines that the authority held by the Ombudsman institution is still insufficient. This is further emphasized by the absence of an effective coercive instrument to ensure that perpetrators of maladministration comply with the recommendations, for example, through direct sanctions or legal mechanisms that allow for prosecution. The absence of coercive measures indicates a structural weakness that must be addressed.[1]

Based on Article 39 of Law No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, Reported

[1] Laporan Tahunan Ombudsman Republik Indonesia Tahun 2023. Diakses pada 24 Mei 2025 pukul 21.00 WIB diambil dari https://ombudsman.go.id/produk/lihat/

Parties and their superiors who violate and do not implement the recommendations or only partially implement them may be subject to administrative sanctions in accordance with statutory regulations. However, in essence, the Ombudsman does not have the authority to impose administrative or criminal sanctions. Sanctions in the Ombudsman process, particularly regarding unimplemented recommendations, do not lie with the Ombudsman of the Republic of Indonesia, but rather with the public service provider itself. In essence, the Ombudsman of the Republic of Indonesia does not have the authority to prosecute or impose direct sanctions on the reported institutions. This fact affirms that the application of administrative sanctions also lacks executorial power.[2]

The aforementioned issues illustrate the necessity of conducting research based on several crucial problems, including: (i) the limited authority of the Ombudsman of the Republic of Indonesia to directly impose sanctions on perpetrators of maladministration who ignore recommendations; (ii) the potential increase in the number of unimplemented recommendations by officials or related institutions for unjustifiable reasons, given that the Ombudsman's recommendations are only morally binding and lack coercive force; (iii) the weak position of the Ombudsman of the Republic of Indonesia as a quasi-judicial institution.

Based on the description above, the author is interested in researching the existence of the authority of the

[2] Nalle, J. H. C., Yohanes, S., & Udju, H. R. (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.

Ombudsman of the Republic of Indonesia as well as the juridical design of the expansion of the authority of the Ombudsman of the Republic of Indonesia. Therefore, the author has chosen to title this thesis: "Expansion of Authority Of The Ombudsman Indonesia In Giving Sanctions Against Maladministration Of Public Services".

II. Methods

This research employs a normative legal research method with a qualitative approach. The focus of this study is the juridical design of the expansion of the Ombudsman's authority in imposing sanctions on maladministration in public services based on the perspective of dynamic governance in Indonesia. The data sources used in this research include primary legal materials obtained from legislation, secondary legal materials obtained from literature studies, and tertiary legal materials obtained from non-legal sources. The data collection techniques used are literature study and document analysis. The validity of the data is ensured through the triangulation method of data sources. Lastly, the data analysis techniques applied consist of data reduction, data presentation, and conclusion drawing.

III. Result and Discussion

A. The Existence of the Ombudsman of the Republic of Indonesia in Supervising Public Services

In the chapter on research findings and discussion regarding the existence of the authority of the Ombudsman of the Republic

of Indonesia in supervising public services, the analysis can be conducted using three main indicators, namely: the form of regulation (*legal presence*), the role of the Ombudsman in society (*legal recognition*), and the implications of the Ombudsman of the Republic of Indonesia's oversight on public services (*social impact*). These three indicators serve as the basis for assessing the extent to which the Ombudsman possesses a strong legal standing, is publicly recognized, and is capable of producing tangible impacts in improving the quality of public services. The analysis of these aspects will provide a comprehensive overview of the effectiveness of the supervision carried out by the Ombudsman based on the applicable statutory regulations.

The historical development of the Ombudsman can be divided into two main phases or historical corridors, namely the history of the Ombudsman in the world and the history of the Ombudsman in Indonesia. Based on its historical progression, the Ombudsman was first established in Sweden in 1809 as a response to the need for a supervisory mechanism over state administration to protect citizens' rights. The history of the Ombudsman in Indonesia began with a dramatic shift at the end of the second millennium, precisely in 1998, marked by the fall of the New Order regime under President Soeharto. This situation sparked a strong desire to improve state administration with greater attention to democratization and human rights. Moreover, the primary target at that time and continuing until today was the eradication of corruption. The excessive dominance of executive power, inefficiency of bureaucracy, and weak supervisory institutions were phenomena of the New Order regime; hence, the government at the time strived to make various changes in line with public aspirations. One of these changes was the establishment of a supervisory institution over state administrators called the National Ombudsman Commission.

Historically, the establishment of the Ombudsman in Indonesia has made significant progress, beginning with its formation through Presidential Decree No. 44 of 2000 and later being strengthened by Law No. 37 of 2008, which aimed to standardize and synchronize the framework of public service through supervision. Based on its historical development, there has been considerable advancement in the functions and authority of the Ombudsman in supervising public services. Nevertheless, such developments have not yet reached the ideal point of a reliable and trustworthy public service that prioritizes public interest and adheres to principles of moral, ethical, and legal accountability. This is in line with the views of several experts such as Zeithaml-Parasuraman-Berry, Denhardt, and Sinambela.[3]

It is not an easy task to establish an institutional format for the Indonesian Ombudsman that is relevant and appropriate, as Indonesia arguably lacks prior experience with such an institution. The results of comparative studies and assessments from various countries cannot be directly applied in Indonesia. It is necessary to take into account the legal, sociological, and political context of Indonesia so that the Indonesian Ombudsman can be aligned with national realities. In 2001, socialization efforts began in various regions, resulting in significant changes, particularly in the regulation of Regional Ombudsman institutions. In the initial draft of the Ombudsman Bill, the focus was predominantly on the National Ombudsman. However, eventually, Regional Ombudsman institutions were regulated in a separate chapter. During the National Workshop on the Ombudsman held in February 2002, the demands and inputs from regional participants became increasingly strong, which led the House of

[3] Sujata, A., & Nasional, K. O. (2002). Ombudsman Indonesia: Masa Lalu, Sekarang Dan Masa Mendatang. Jakarta: Komisi Ombudsman Nasional.

Representatives of the Republic of Indonesia to initiate the legislative process for this law as a parliamentary initiative

Based on the above explanation, the author presents a brief overview of the legal formulation that forms the foundation of the existence of the Ombudsman in Indonesia in the form of the following table:

TABLE 1. Legal Foundations of the Existence of the Ombudsman in Indonesia

No	Tingkat Peraturan	Instrumen Hukum	Formulasi Landasan Eksistensi Ombudsman
1	Konstitusi	Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 tercantum dalam Alinea IV Pembukaan UUD 1945	Dasar filosofis pembentukan lembaga pengawas publik serta memberi legitimasi normatif untuk penataan lembaga pengawas administrasi negara.
2	Tap MPR	Ketetapan MPR-RI No. VIII/MPR/2001 tentang Rekomendasi Arah Kebijakan Pemberantasan dan Pencegahan Korupsi, Kolusi dan Nepotisme	Rekomendasi pembentukan lembaga pengawas (Ombudsman) sebagai bagian upaya anti-korupsi, kousi dan nepotisme. Selain itu mendorong percepatan proses hukum dan partisipasi

			masyarakat dalam pengawasan penyelenggaraan negara.
3	Undang-Undang	Undang-Undang Nomor 25 Tahun 2000 tentang Program Pembangunan Nasional (Lembaran Negara Republik Indonesia Tahun 2000 Nomor 206)	Menegaskan kebutuhan pengawasan independen guna mencegah KKN, kemudian mewajibkan pembentukan lembaga pengawas administrasi. terdapat beberapa argumentasi yang mendasar berkaitan dengan kebutuhan untuk mendirikan lembaga Ombudsman Nasional. Pada matriks Program Nasional pembentukan peraturan perundangan secara eksplisit mencantumkan bahwa ditetapkannya Undang-undang tentang Ombudsman

			merupakan indikator kerja Kebijakan Program Pembangunan Hukum tahun 1999-2004.
4		Undang-Undang Nomor 28 Tahun 1999 tentang Penyelenggaraan Negara yang Bersih dan Bebas Korupsi, Kolusi dan Nepotisme (Lembaran Negara Republik Indonesia Tahun 1999 Nomor 75, Tambahan Lembaran Negara Republik Indonesia Nomor 3851) sebagaimana diubah dengan Undang-Undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi	Undang-Undang Nomor 28 Tahun 1999 menegaskan bahwa penyelenggara negara memiliki peran krusial dalam mencapai masyarakat yang adil dan makmur. Salah satu langkah strategis yang diamanatkan adalah pembentukan lembaga independen yang bertugas mengawasi penyelenggaraan negara dan pelayanan publik, yang kemudian diwujudkan dalam bentuk Ombudsman Republik Indonesia. Undang-Undang Nomor 30 Tahun 2002 mengatur pembentukan

			Komisi Pemberantasan Tindak Pidana Korupsi (KPK) sebagai lembaga khusus yang berfokus pada penindakan kasus korupsi. Namun, undang-undang ini juga mengakui pentingnya pencegahan dan pengawasan terhadap maladministrasi yang dapat menjadi cikal bakal korupsi.
5	Peraturan Pelaksana	Keputusan Presiden Nomor 44 Tahun 2000 tentang Komisi Ombudsman Nasional	Dasar hukum bagi operasionalisasi Ombudsman di Indonesia. Pada Keppres ini banyak pengaturan yang masih bersifat umum. Pada Kepres ini kewenangan Ombudsman masih sangat terbatas sehingga ruang geraknya pun sangat sempit. Apalagi Komisi ini, hanya berada di Ibukota

			Jakarta padahal kewenangannya mencakup seluruh wilayah di Indonesia.

Sources: Authors, 2025

Based on the table above, the author concludes that the legal formulation of the Ombudsman of the Republic of Indonesia, in terms of hierarchy and legal strength, begins with the 1945 Constitution (Preamble Paragraph IV) as the highest legal foundation. This is reinforced by the Decree of the People's Consultative Assembly (MPR) No. VIII/MPR/2001, followed by the enactment of Law No. 37 of 2008, which affirms the existence and authority of the Ombudsman in overseeing maladministration, and is further supported by Law No. 25 of 2009 on Public Services and Law No. 23 of 2014 on Regional Government, aiming to integrate and expand the scope of oversight. This series of regulations reflects a cohesive policy framework consistently oriented toward the prevention of maladministration and corrupt practices, and the protection of the public's right to fair and transparent services. The synchronization between the Public Service Law and the Regional Government Law further strengthens an integrated public service ecosystem, with the Ombudsman serving as the supervisory institution. However, implementation challenges arise in tandem with the need for continual reform to keep pace with developments in information technology and the growing complexity of modern public services.

Based on the above analysis, the legal presence of the Ombudsman of the Republic of Indonesia is based on two key indicators: the formulation of regulations and the historical development of the institution, marked by its initial establishment through Presidential Decree No. 44 of 2000 and later strengthened by Law No. 37 of 2008. The second indicator of legal presence is characterized by the establishment of regulatory objectives aimed at

integrating the public service framework through effective oversight.

Regarding institutional independence, the Ombudsman of the Republic of Indonesia is an independent state institution and has no organic ties to any other state body or government agency. In carrying out its duties and powers, it is free from interference by other authorities, as stipulated in Article 2 of Law No. 37 of 2008. The legal standing of the Ombudsman in supervising public services can be seen through the legal foundation upon which it is based namely, constitutional recognition. While the position of the Ombudsman is formally regulated in Law No. 37 of 2008, it lacks explicit recognition in the 1945 Constitution, leaving a gap in the national legal system. This absence implies limitations on the enforceability of the Ombudsman's oversight function. It illustrates the non-ideal status of institutional legitimacy, especially since institutions enshrined directly in the Constitution typically hold a stronger legal status and are harder to dissolve compared to those established solely by statutory law. Therefore, it is necessary for the Ombudsman to be constitutionally recognized to ensure its oversight becomes a fundamental norm within the legal structure of the state.[4]

Concerning the duties, functions, and authorities of the Ombudsman in Indonesia compared to Sweden, a key difference lies in the legal foundation of the institution. In Sweden, the Parliamentary Ombudsman was established through a constitutional mandate, namely Chapter 13, Article 6 of the Instrument of Government. As a result, the Swedish Ombudsman enjoys strong constitutional legitimacy, even though it is a part of Parliament and some of its powers are delegated by Parliament. In contrast, the Indonesian Ombudsman lacks such constitutional

[4] Surachman, R. M., & Sujata, A. (2012). Ombudsman Indonesia Di Tengah Ombudsman Internasional, Sebuah Antologi. *Jakarta: Komisi Ombudsman Nasional*.

grounding under the 1945 Constitution of the Republic of Indonesia.

Another difference lies in the scope of authority. One of the main reasons why the Swedish Parliamentary Ombudsman commands respect among authorities and public service providers is its power to prosecute anyone who, in carrying out their duties, violates legal obligations or established regulations. Besides addressing administrative issues by issuing non-binding recommendations or advice to the reported institutions or officials, the Swedish Ombudsman also holds another mechanism—namely, the power to prosecute when its recommendations fail to resolve

Status Pelaksanaan Rekomendasi	2021	2022	2023	Jumlah	Persentase
Dilaksanakan/Dilaksanakan Sebagian	1	2	0	3	42,56%
Tidak Dilaksanakan dengan Alasan yang Dapat Diterima	0	1	0	1	14,29%
Proses Monitoring	0	0	3	3	42,86%
JUMLAH	**1**	**3**	**3**	**7**	**100,00%**

the issue. The outcome of this process results in a legally binding decision that must be enforced. Meanwhile, in Indonesia, the final result of the Ombudsman's supervisory process is merely a recommendation directed to the reported institution if it is found to have engaged in maladministration. These recommendations are non-legally binding and carry only moral force. In cases where such recommendations are ignored, the Ombudsman, under Article 38 paragraph (4) of Law No. 37 of 2008, is only authorized to publish the name of the superior of the reported party and report the matter to the President or the House of Representatives (DPR).

Source: 2023 Annual Report of the Indonesian Ombudsman

Even though Ombudsman recommendations are not legally binding, this does not mean that they can be simply disregarded by public officials. There are mechanisms of moral and political accountability that lend weight to such recommendations. Article

38 paragraph (4) stipulates that if the reported party and their superior do not implement the recommendation or only partially implement it without acceptable justification, the Ombudsman may publicly disclose the name of the superior and report the non-compliance to the DPR and the President. Due to the non-binding nature of Ombudsman recommendations, the institution's legal foundation should ideally be embedded in the Constitution. A recommendation with no legal force requires a strong political basis to ensure its authority. This lack of binding power limits the institutional capacity of the Ombudsman in executing its functions effectively.

Based on currently available information, specific data on the number and details of Ombudsman of the Republic of Indonesia (ORI) recommendations that were not implemented by related institutions in 2024 have not yet been officially published. Therefore, the author refers to data from the 2023 Annual Report of the Ombudsman of the Republic of Indonesia. This report indicates that 20.70% of recommendations were not implemented, while 62.10% were fully or partially implemented (Ombudsman Annual Report, 2023, accessed October 10, 2024, from https://ombudsman.go.id/produk/). These figures reflect the suboptimal implementation of recommendations. The 20.70% figure is not insignificant and indicates the existence of a legal gap, showing a discrepancy between *das sein* (the reality) and *das sollen* (what ought to be) in the context of positive law enforcement. This gap is further exacerbated by the absence of effective enforcement mechanisms to ensure compliance by those who commit maladministration for instance, through direct sanctions or legal procedures enabling prosecution. The lack of such coercive tools points to a structural weakness that must be addressed.

Upon further examination, there is a normative gap in the regulation concerning the obligation to implement recommendations, which allows the possibility for such

recommendations to remain unfulfilled. Article 62 paragraph (2) of Ombudsman Regulation No. 58 of 2023 on Procedures for Investigating and Resolving Reports stipulates that if, within a maximum period of 60 (sixty) days, a recommendation is not implemented or is only partially implemented without justifiable reasons, the Ombudsman has the authority to submit a Recommendation for the Imposition of Sanctions to an official with authority two levels above the Reported Party or to another official authorized to impose administrative sanctions. However, this regulation does not stipulate any sanctions against the official responsible for imposing such administrative sanctions if they fail to act on the recommendation. The absence of provisions regulating consequences for such inaction opens the door for these officials to neglect the enforcement of sanction recommendations without repercussion.

The functions, duties, and powers of the Ombudsman of the Republic of Indonesia in supervising public services have experienced positive institutional and legal developments, particularly following the enactment of Law No. 37 of 2008. This progress reflects an expansion of the Ombudsman's role in strengthening oversight mechanisms over public service delivery to ensure the principles of justice, accountability, and the prevention of maladministration are upheld. Nevertheless, this advancement has yet to reach an ideal level, given the Ombudsman's limited coercive power over its recommendations and the suboptimal capacity to prevent abuses of power (*détournement de pouvoir*), to ensure the effectiveness of authority, and to guarantee comprehensive mechanisms of control and accountability. These limitations have also been highlighted by several scholars such as H.D. Stout, Philipus M. Hadjon, and Arif Hidayat.

Based on the above explanation regarding the existence of the Ombudsman's authority in relation to the concept of *existence*, it can be assessed that it meets two key criteria: (i) public recognition

and (ii) impact. The analysis shows that the authority of the Ombudsman has not yet fully taken root socially, thus requiring efforts to strengthen public literacy and a more active presence at the service level to build social legitimacy in line with its legal foundation. A strong existence is measured by its tangible impact on bureaucratic behavior and the quality of the services it oversees. In practice, the Ombudsman's authority has shown influence through recommendations made in response to public complaints, which have led to administrative improvements and the restoration of citizens' rights. However, the effectiveness of this influence remains limited due to the non-binding nature of its recommendations and the absence of direct sanction mechanisms to enforce compliance. Cultural change within the bureaucracy and the reduction of maladministration cases have not yet shown significant progress. Therefore, the influence of the Ombudsman's authority must continue to be strengthened so that its existence is not only formally recognized in law but also substantively impactful in promoting accountable and responsive public services.

B. Expansion of Authority of the Ombudsman Indonesia in Giving Sanction Against Maladministration of Public Services

The juridical design of the expansion of authority of the Ombudsman of the Republic of Indonesia in imposing sanctions is analyzed using three main indicators. First, the pattern of strengthening service coverage based on the principle of adaptability to change, which emphasizes the importance of enhancing innovation capacity in public complaint services as well as conducting massive socialization to the community as a form of institutional adaptation to social dynamics. Second, the pattern of strengthening innovation capacity based on needs (policy

innovation), which reflects the Ombudsman's ability to continuously adjust policies in response to changing public needs and service challenges. Third, the pattern of strengthening the effectiveness and efficiency of handling maladministration in public services (handling policy complexity), which focuses on applying a cross-actor collaborative approach as a strategy to resolve complex problems. These three indicators are analyzed by referring to the practices and institutional framework of the Swedish Ombudsman, which has historically served as the main reference for the establishment of external oversight institutions for public services in various countries, including Indonesia.[5]

The Ombudsman of the Republic of Indonesia has developed various online complaint channels to facilitate the public in submitting complaints. One such initiative is the provision of an online complaint form called SIMPeL (Sistem Informasi Manajemen Penyelesaian Laporan, or Report Resolution Management Information System), which can be accessed through the official website **https://simpel4.ombudsman.go.id/lapor-ombudsman**. SIMPeL is a management information system within the government institution of the Ombudsman Republic of Indonesia (ORI). The ORI Central Office utilizes SIMPeL to monitor incoming reports from each representative office online. SIMPeL is also expected to handle complaint reporting in an integrated manner. The central office can easily review incoming reports and form teams to follow up on them. Previously, recording and data collection of public reports were done manually using Microsoft Excel. This method was considered inefficient for handling the daily volume of reports received by ORI since the year 2000. Therefore, in 2013, ORI began developing a database-based

[5] Hidayat, A. 2021. Hukum Tata Negara (Htn). A. Hidayat, Ed., Bahan Ajar/ Diktat. Semarang: Bpm Unnes.

system named the Report Resolution Management Information System (SIMPeL), which was officially implemented in 2014.[6]

Public service systems in developing countries often face problems such as delays, lack of public outreach, and the unprofessional behavior of some government officials. These issues cause the public to become apathetic and reluctant to engage with public services. Many people still complain that public services are frequently complicated and have not adapted to changing times and community needs. Entering the modern era, governments worldwide have implemented various innovations to develop effective and efficient service systems. Below, the author summarizes the patterns of service coverage strengthening by the Ombudsman in enhancing supervision and preventing maladministration in the following table:

TABLE 2. Patterns of Strengthening the Ombudsman's Service Coverage

No	Aspect	Solution
1	Supervision of Public Services in Remote and Outermost Areas	The relevant solution is the implementation of a lightweight mobile technology-based monitoring system that can be accessed without a stable internet connection (offline-first system), as well as the appointment of regional representatives as ombudsman community agents. This reflects the structural and operational adaptability of the Ombudsman in responding to geographical disparities.

[6] Simpel4 Ombudsman Republik Indonesia. Diakses pada 29 Apil 2025 pukul 20.28 WIB diambil dari https://simpel4.ombudsman.go.id/lapor-ombudsman

2	Responsive Services for Vulnerable Groups	Integration of inclusion-based complaint user interfaces (disability-friendly, multi-language, and visual/audio assistance) and direct complaint channels through social channels or priority hotlines are required. This is in accordance with the principle of social adaptability, where the Ombudsman is able to adjust its services to the needs of the characteristics of vulnerable groups.
3	Increasing Access to Digitalization of Complaint Services	In order to support the utilization of the SIMPeL management information system, improvements need to be made in the following areas: a. More varied design so that it looks more attractive and not boring. b. Re-adjustment of features and functions in the system so that they are in accordance with user needs. c. Increasing the accuracy of the information provided so that the information provided is precise and in accordance with needs. d. Increasing the socialization of system use. e. Providing infrastructure support to support system implementation. f. Increasing the support of professional technicians

4	Supervision of BUMN/BUMD	Many BUMN/BUMD provide public services, but are not yet optimal in transparency and accountability. Therefore, it is necessary to affirm ORI supervision of state-owned companies operating in the public sector (PLN, PDAM, BPJS, etc.).
5	Legal Education and Mass Socialization	Many people do not know that the actions of public officials that are detrimental can be reported to the Ombudsman. There needs to be regular educational services such as complaint clinics, campus cooperation, teacher training as Ombudsman agents. In addition, it can adopt a micro-learning model through digital platforms such as YouTube Shorts, TikTok Edu, and community radio to deliver legal materials massively, briefly, and easily accessible.

Sources: Authors, 2025

This innovation reflects a response to the public's need for fast and efficient access to services. However, this service has not yet fully reached the ideal point of reliable and responsive public service, considering the limited comprehensive utilization of technology and the suboptimal responsiveness to vulnerable groups and remote areas. Therefore, there is a need to strengthen innovation capacity, ensure sustainable learning, and foster cross-sector collaboration so that the Ombudsman can have adaptive capabilities to external changes and develop an integrated service ecosystem.

Regarding the recommendations issued by the Ombudsman, their effectiveness remains limited because they lack binding legal

force and do not provide a deterrent effect for public service providers who commit maladministration, as the recommendations are merely advisory—they may be implemented or not. There are no sanctions or follow-up actions for recommendations that are not executed. The absence of provisions in the Ombudsman Law concerning the binding nature of recommendations or firm actions against respondents who fail to comply with Ombudsman recommendations becomes a distinct problem. Furthermore, concerning supervisory authority, the author notes that there are no clear limits on the Ombudsman's oversight over public service providers, nor is there clarity on which public bodies fall under the Ombudsman's supervision. This contrasts with the Swedish Ombudsman, who, as a parliamentary Ombudsman, can take extreme actions such as acting like a prosecutor and filing charges against employees suspected of maladministration, though this is very rare. The existence of the Swedish Ombudsman is widely recognized, as evidenced by their follow-up on public complaints resulting in final products that are not only morally binding but also legally binding the Ombudsman can act as a public prosecutor, and public institutions are required to respond to the Ombudsman's recommendations.[7]

Based on the above explanation, the following is a concise proposal for legal policy changes to Law Number 37 Year 2008 concerning the Ombudsman of the Republic of Indonesia, related to the expansion of the Ombudsman's authority from the perspective of dynamic governance that supports the adaptability of public policy. The researcher bases the policy innovation on the Swedish Ombudsman, considering that the Swedish Ombudsman

[7] Ananda, A. A. S., & Anggraeni, R. P. (2022). Urgensi Perluasan Kewenangan Ombudsman Dalam Pemberian Sanksi Terhadap Pelaku Maladministrasi Perizinan Daerah. *Jurnal Anti Korupsi*, *12*(1), 1-20.

serves as a foundational reference for Ombudsman practices in various countries and is highly recognized for its authority:

The Ombudsman needs to propose to the House of Representatives (DPR) and the President to revise Law Number 37 Year 2008 concerning the Ombudsman of the Republic of Indonesia, specifically regarding the authority to issue recommendations, so that these recommendations must be binding for both the Respondent and the Respondent's superior. Furthermore, if the recommendations are not implemented, the Ombudsman should have the authority to take firm actions against the unexecuted recommendations in order to strengthen the position and authority of the Ombudsman.

Moreover, the supervision and prevention of maladministration carried out by the Indonesian Ombudsman cannot be conducted by a single party alone, but must be a joint effort involving various related elements to avoid subjective oversight that could weaken the law enforcement process. The Ombudsman must synergize with other institutions because the law cannot be partial but must work in collaboration with relevant agencies to achieve the intended goals of law, namely certainty, justice, and benefit. Therefore, efforts to optimize the effectiveness and efficiency of handling maladministration in public services can be conducted through a concept of collaboration.

The authority of the Ombudsman, as regulated in Law Number 37 Year 2008 concerning the Indonesian Ombudsman, is still considered very limited, especially in resolving maladministration reports in public service providers. Additionally, the Ombudsman's authority sometimes overlaps or conflicts with other supervisory institutions, which can weaken the Ombudsman's mechanism, resulting in suboptimal performance of its duties and authority. Therefore, collaboration between the Ombudsman, Government, and Society will enhance the

credibility of the Ombudsman and encourage and influence the adherence to the Ombudsman's recommendations by the Respondents and their Superiors. This collaboration is built top-down through government regulations and bottom-up by opening space for public participation in supervising the implementation of Ombudsman recommendations.[8]

Considering that the authority to impose administrative sanctions on the Respondents and their Superiors who do not comply with Ombudsman recommendations is not under the Ombudsman's jurisdiction, the Ombudsman needs to cooperate with the Ministry of Administrative and Bureaucratic Reform (Menpan RB), which administratively oversees the Respondents and their Superiors. Furthermore, active public participation can be facilitated through collaboration with the press, as the press serves as a channel to disseminate public voices to various parties, thereby pressuring the Respondents and their Superiors through intensive media coverage.

Improving the effectiveness and efficiency of handling maladministration in public services requires a collaborative approach involving multi-actor coordination, public participation in decision-making, and institutional capacity to manage policy complexity. As emphasized by Anthony Giddens, collaboration between government institutions and society fosters adaptive and responsive oversight. The public must act not only as observers but as active contributors to transparency and accountability. Without strong coordination and engagement, the Ombudsman's role in addressing public service issues becomes less effective. Therefore,

[8] Paramita, N. P. D. C., & Astariyani, N. L. G. (2018). Perluasan Kewenangan Ombudsman Untuk Memiliki Kewenangan Mengadili Dikaji Dengan Menggunakan Teori Self Auxilary Bodies. *Jurnal Fakultas Hukum Universitas Udayana, Kertha Negara*, *6*(02).

strengthening collaboration is essential to support an adaptive, transparent, and high-quality public service system.

IV. Conclusion

This study concludes that the existence of the authority of the Ombudsman of the Republic of Indonesia in supervision can be assessed based on 3 (three) indicators. First, legal presence is measured through the historicity of the formation of the Ombudsman of the Republic of Indonesia which began with the formation through Presidential Decree No. 44 of 2000 to be strengthened by Law No. 37 of 2008. Second, public recognition is measured from the aspect of the position, duties and functions of the Ombudsman. The position of the Ombudsman is not explicitly recognized in the Constitution (UUD 1945) so that it has implications for the limited coercive power of the Ombudsman in carrying out its supervisory function in preventing abuse of authority. Third, social impact is influenced by 2 (two) implications, namely implications for institutions and society. The implications for both are considered not yet effective. Furthermore, the legal design of the expansion of authority of the Ombudsman of the Republic of Indonesia in imposing sanctions on maladministration of public services based on the perspective of dynamic governance is assessed through 3 (three indicators); (i) adaptability to change in strengthening service coverage (ii) (policy innovation) in strengthening innovation capacity based on policy adaptation (iii) (handling policy complexity) in strengthening the effectiveness and efficiency of handling maladministration of public services.

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