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FUNCTION CONTROL OF OMBUDSMAN THE REPUBLIC INDONESIA (ORI) IN PUBLIC SERVICE

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Abstract

This study aims to understand the Ombudsman of Republic of Indonesia implementation on overseeing the public services in Makassar. then, the main problem, namely, are the supervision role and function of Ombudsman of Republic Indonesia (ORI) on Implementing republic of Indonesia's Laws No. 25 of 2009 in Makassar. The research used qualitative studies then served descriptively, namely by analysing, explaining and describing, accordance the actual conditions in the field. As for, the result of this research based on ombudsman of Republic of Indonesia institution's data in South Sulawesi Branch. That showed ombudsman role and function in improving the services quality by received the report from the society, by whom reported is around 679 and 489 cases can be solved, so it can be seen around 60% from the number of societies' reports and 40% still on process. The supervision of ombudsman in increasing the public services quality in Makassar can be categorized as maximal enough. This research implication, ombudsman strives for preventing maladministration, namely: (1) preventing maladministration by conducting community empowering through socialisation, talk show, interactive dialog, workshop, general lecture etc. and also by conducting investigation. (2) handling complaint of society in the field of public services through investigation, clarification, mediation, and monitoring. And followed up by ombudsman recommendation in improving public service effort in Makassar to provide assurance to status of the report, there are several classifications namely (1) unqualified on formal requirements (2) reporter revoke the reports, (2) unauthorized, (4) clarifications, (6) suggestions, and (7) recommendations.

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1. Introduction

Every citizen has a right to get equality in fair treatment, both in law and government. Government reformations, with the aims to create good, clean and efficient governance, in order to create prosperity for all citizens, but in reality, in the practice of administering the public services, there are still found many distortions, where there are still citizens who do not get their right, namely equal and fair treatment. For example, the existence of illegal levies, maladministration, nepotism in accomplishing certain documents, authority abuses by the state apparatus.

Public services basically concern to the various life aspect widely (Fuglsang, 2010). In patriotic life, the government has functions to providing various public services which are needed by the society, starting from the services in the form of arrangements or other services in order to fulfill the needs of the society in the form of health, education, utilities, etc. Various public reformations' movements that took place in Indonesia in the early 1990s experienced lot of society pressure to improve the quality of public services provided by the government.

Public policy is one of the main dimensions in public administration science and practices. As one of the elements analogous to its function in public administration, public policy is compared to brain function in the human body. All activities of state and society life began to be carried out by the bureaucracy and the private sector and society (Mulyadi, 2018).

Before the emergence of the policy agenda, the problems issue emerged first among the society. Problems arise and the proper attention opinions will be included in the policy agenda, however, policy problems basically cover broader dimensions, then an issue will not automatically be able to enter the policy agenda. Issues circulating will compete each other to get attention from the political elite so that the issues, what they are fighting for, can enter into policy agenda.

The policy agenda is the demands to the policy makers to choose or encourage certain actions. Thus, the policy agenda can be distinguished from general political demands and the term "priority" which is usually intended to refer to the composition of the agendas' items by considering an agenda more important than other agendas. The process of a direct policy agenda when public officials learn about new problems, decide new problems to give personal attention and mobilize the organizations which have to respond to the problems. Thus, the policy agenda is basically a battle of discourse that occurs in government institutions (Mulyadi, 2018).

Ombudsman is a government's institution that has the authority to oversee the implementation of public services, both those are held by state administrators and government, including, those whose are held by state-owned, regionally-owned, and state-owned legal entities enterprises as well as private bodies, and individuals who are given the task of carrying out certain public services partly or wholly funded by the government and/or regional expenditure budget income (Ladi, 2011). This institution emerged as a regulatory oversight body whose function was to supervise and receive reports, complaints, complaints about bad services or inconveniences received by the society in service.

Good service is a service that provides a level of satisfaction to service users. With the establishment of the ombudsman to carry out supervision which is tasked with overseeing every process of public services that the state is obliged to serve every citizen and population to fulfil their basic rights and needs within the

framework of public services which are mandated by the 1945 Constitution of the Republic of Indonesia (Mulyadi, 2018).

Build community trust in the public service who do public service providers is an activity that must be done in line with the expectations and demands for all citizens and residents of public service improvement.⁵ In an effort to reinforce the rights and obligations of every citizen and resident and the realization of state and corporate responsibilities in the implementation of public services, legal norms are required to provide clear regulation.

Improving the quality and guaranteeing the provision of public services in accordance with the general principles of good governance and corporation and to protect every citizen and population from abuse of authority in the implementation of public services, legal arrangements are needed to support them so that the level of service becomes more qualified (Torres & Pina, 2001).

But what happens in the society are still many who get unfair treatments or the services that they get are very bad, especially the people who get services, while there is an Ombudsman institution established by the government whose role and function is to oversee public services so that the quality of service is getting better (Mulyadi, 2018).

2. Problem Statement

This study examines how the integrity of public service bureaucracy in Makassar with focus on the study of the practice of discretion in the line of public service that occurs to reflect the implementation of bureaucratic integrity. In the end this study, it focused on the study of the public service bureaucracy aspects, with the aimed to grasp how the bureaucratic system in public services. Bureaucratic integrity in order to achieve accountability for public services (Kurniawati, Lubis, Darsono, & Chan, 2019). The focus of accountability can be assessed from the behaviour of law enforcement, decisions, ethics, patterns of institutional behaviour, such as the absence of power abuses, corruption, and discrimination in public service institutions in Makassar, South Sulawesi, Indonesia.

3. Research Questions

How are the Implementation of the Role and Function Control of the Ombudsman of Republic Indonesia (ORI) on Implementing Law of the Republic Indonesia Number 25 of 2009 in Makassar?

4. Purpose of the Study

To find out how the implementation of the supervision role and function of the Ombudsman of Republic Indonesia (ORI) on implementation of Republic Indonesia's Law Number 25 of 2009 in Makassar.

5. Research Methods

The type of research is qualitative research to analyse the arguments based on characteristic data (Mulyadi, 2018). Research uses qualitative methods with several considerations, first adjusting qualitative methods is easier when dealing with multiple realities. Second, methods present direct nature of the

relationship between researchers and respondents, and the third, this method are more sensitive and adaptable to sharpening mutual influence and towards the value patterns that are faced.

In accordance with the basic of the research mentioned, then, this research is expected to be able to analyse the problems which will be studied and the obtained results, which are then connected to aspects of politics and government and oversee the reality of the role of the Ombudsman in the efforts to prevent maladministration. The researcher used qualitative methods.

Qualitative methods are research that intends to understand the phenomenon of what is experienced, the subject of research such as behaviour, perception, motivation, action, etc., holistically, and by the description in the form of words and language, in a natural context and by utilizing various natural methods. Sociologically, research will be carried out in the field by looking at the reality which is related to the research problems and then analysed with a legal perspective where the results will be obtained to support the research of the researcher.

The used approach is a sociological approach to find the processes that occur in society and explore the meaning of society behavioural symptoms and perceptions of public services beneficiaries in social reality about the integrity of public services. This research approach is intended to use bottom-up views about public services accountability. Therefore, it will be begun by identifying factual and concrete cases experienced by justice seekers from public services users, as well as NGOs for learning from social actors. Induction method is used with explanation efforts to obtain conclusions/evidence of the existence of relationship between facts, namely, social facts with the integrity of public services.⁹

Data can be obtained from the first informant source, namely individuals or individuals as the results of interviews conducted by researchers such as interviews conducted. This data was obtained through interviews with the assistant chairman St. Dwi Adiyah Pratiwi.

Data that has been further processed and presented by the primary collecting party or other party. This data is used to support the obtained primary information from both documents and direct observation space. The secondary data includes images from the mass media, documentary television from reporters at the ombudsman's office. about research that is almost the same as the obtained secondary data is from various case documents starting from complaints and institutional policies.

Interview is a conversation between two or more people and takes place between the speaker and the interviewer. The purpose of the interview is to get the right information from reliable sources. Interviews are conducted by submitting a number of questions from the interviewer to the informant. The interviewee was an assistant of the ombudsman chairman St Dwi Adiyah Pratiwi.

Observation is an activity of visiting or coming to a research location, an activity on a process or object with the intention to feel and then understanding the knowledge from a phenomenon based on previous known knowledge and ideas, to obtain the information needed for continuing a research. observations can be made with tests, questionnaires, images recordings and sound recordings.

The most effective way in observation is complete with observation guidelines such as observation form or application. The form that is composed of the items about the events or behaviours described will occur. After that, the researcher as an observer will give a checkmark to the desired column in the form. The person making the observation is called the observer.

Documentation is taking pictures or data to complete interviews and observations for researcher and the author takes pictures while interviewing.

This research approach is intended to use a bottom-up view of public services accountability. Conducting in-depth interviews and analysis of existing data. This will be begun with identifying factual and concrete cases experienced by justice seekers from users of public services, as well as NGOs in learning from social actors. Induction method is used with explanation efforts to obtain conclusions / evidence of the existence of a relationship between facts, namely, social facts with the integrity of public services. Processes will be sought to explore the meaning of behavioural symptoms and perceptions of beneficiaries of public services in social reality about the integrity of public services.

This study used qualitative data analysis, discussing the qualitative, primary data are analysed by utilized the existing data to determine the outcome. This data will be obtained through interviews. Primary data is obtained from respondents and the secondary data is used to support the obtained primary information from both documents and direct observation space. The secondary data includes images from the mass media, television, documentation about research which is almost the same, secondary data obtained from various documents starting from complaints or public reporting and institutional policies and there are three main components of research in data analysis with interactive models such as data reduction, data presentation and withdrawal conclusion.

6. Findings

Before national ombudsman commission emerge, complaints of public services were only submitted to the agencies reported and the report was often carried out by officials who were reported so that the community received adequate protection. In addition to completing through the court, it takes a long time and the costs are not small. Then a separate institution is needed, namely, Ombudsman of Republic Indonesia can handle complaints of public services easily and with no charge. Ombudsman is a government's institution in carrying out of its duties and authority is free by the interference of other powers.

Regarding of the role and function, Ombudsman of Republic Indonesia (ORI) on implementation of Indonesian law number 37 in 2008 about ombudsman of Republic of Indonesia and number 25 in 2009. In this law, the ombudsman guidelines are determined the duties and authorities based on propriety, justice, non-discrimination, openness and confidentiality. In this law, the ombudsman is tasked with, among others, examining reports on alleged maladministration in the implementation of public services.

Implementation of the task checking reports, the Ombudsman must be guided by independence principle, indiscriminate, and impartiality, does not collect fees, must listen and consider the opinions of the parties then facilitates the reporter. Thus the Ombudsman in examining the report does not only prioritize a persuasive approach to the parties so that state administrators and governments have awareness to be able to complete reports of alleged maladministration in implementation of public services using this approach means that not all of reports must be completed through a recommendation mechanism. The Distinguishing of the ombudsman and law enforcement agencies or the court is in completing the report, conducting an examination of the received report, the ombudsman can call the reported party and sanction for questioning. If the reported and sanction has been summoned three times in a row does not fulfil the

call with valid reasons, the ombudsman can request assistance from the Indonesian Republican police to force the person who is concerned.

Implementation of good and effective government is the desire of every citizen around the world. This has become the demand of the community, whose civil rights have not received adequate attention and recognition so far, even though they live within the legal state of the Republic of Indonesia. Public service and fair law enforcement are two aspects that are inseparable from the efforts to create a democratic government that aims to improve people's welfare, justice, legal, certainty and peace to realize good governance. In Indonesia, on March 20, 2000 was born the National Ombudsman Commission based on Presidential Decree Number 44 of 2000 about the National Ombudsman Commission, then became the Ombudsman of Republic Indonesia was regulated by Law number 37 in 2008 about the Ombudsman of Republic Indonesia on October 27, 2008, which endorsed by former President Susilo Bambang Yudhoyono.

Law No. 37 in 2008 about Ombudsman of Republic Indonesia is a basis of Ombudsman of Republic Indonesia to exercise authority overseeing the public services implementation organized by the government, including those are held by BUMNs, BUMDs, and State Legal Entities are given the task of organizing some public services which partly or wholly funds from the APBN or APBD. The position of the Ombudsman Institution is as an independent state institution. In carrying out their duties, they can be objective, transparent and accountable to the public. Although not responsible to the DPR, the RI Ombudsman is obliged to submit annual reports and periodic reports to the DPR as a form of accountability to the public for the implementation of their duties. In order to facilitate the task of overseeing the implementation of State duties in the regions, if deemed necessary, the Chairperson of the National Ombudsman may form representatives of the Ombudsman in the province, regency/city areas which are an integral part of the National Ombudsman. All legal law and other provisions that apply in the National Ombudsman also apply in regional representative Ombudsman.

Ombudsman Representative as mandated by Article 5 and Article 43 of law number 37 in 2008 About Ombudsman of Republic Indonesia has strategic position in helping or facilitating society access to obtain services from ORI. For the Ombudsman itself, making representatives can also facilitate the implementation of their functions, duties, and authority throughout the territory of Indonesia because the Ombudsman Representative is an extension and has hierarchic relationship with the Ombudsman of Republic Indonesia. South Sulawesi Province is one of the provinces that is determined to realize good governance, which is honest, clean and transparent and to improve the quality of public services to meet the basic needs of the people of South Sulawesi. Regarding the basic embodiment in the form of the Ombudsman in South Sulawesi Representative, with the chairman's decision of Ombudsman after obtaining approval from the Ombudsman plenary meeting.

Broadly speaking, the ombudsman can conclude that the parameters used to measure of maladministration are legal regulations and community appropriateness as well as general principles of good governance. The form of action that can be categorized as maladministration in the hospital of Bhayangkara is; prejudiced, negligent, indifferent, delay, not authority, inadequate, evil, cruel, and arbitrary actions. As for the following are:

1. Actions that are felt odd (Inappropriate) because they are not done properly.
2. Deviating action

3. Actions that violate provisions (irregular / illegitimate).
4. Delay actions that result in unnecessary delays (undue delay).
5. Inappropriate actions.

In general, the provisions of maladministration actually exist and spread in laws and regulations made by the government and the DPR. Law No. 25 of 2009 about Public Services include:

- a. That the state is obliged to serve every citizen and resident to fulfil their basic rights and needs in the framework of public services which are mandated by the 1945 Constitution of the Republic of Indonesia;
- b. That build public trust in public services carried out by public service providers is an activity that must be carried out in line with the wish and demands of all citizens and residents about improving public services;
- c. That as an effort to reinforce the rights and obligations of every citizen and resident and the realization of state and corporate responsibility in the implementation of public services, legal norms are needed that provide clear regulation;
- d. That as an effort to improve the quality and guarantee the provision of public services in accordance with the general principles of good governance and corporation and to protect every citizen and population from abuse of authority in the implementation of public services, legal arrangements are needed to support them;

The forms of acts included in the category of maladministration are often found by the Ombudsman of the Republic of Indonesia South Sulawesi Representative city of Makassar in 2016 are shown in Table 1.

Table 01. Community Report on Educational Based on Maladministration Substances of the Ombudsman of Republic Indonesia South Sulawesi Representative in 2016

Maladministration Substance	Total	Percent
Abuse of authority	2	7.1 %
Requests for cash donations	20	71.6 %
Procedure deviations	5	17.8 %
Acting improper and inappropriate	1	3.5 %
Total	28	100 %

Based on the data entered in relation to maladministration in the education sector, there were 28 reporters and 15 cases resolved and 13 cases in the follow-up process (see Table 2).

Table 02. Community Report on Health Based on Maladministration Substance of the Ombudsman of Republic Indonesia South Sulawesi Representative in 2016

Maladministration Substance	Total	Percent
Abuse of authority	3	7, 1%
Requests for cash donations	7	71,6%
Procedure deviations	5	17.8%
Acting improper and inappropriate	5	3,5%
Total	20	100%

Based on the data entered in relation to maladministration in the Health sector there were 20 number of reporters and 12 cases resolved and 8 temporary cases in the follow-up process (see Table 3).

Table 03. Community Reports Other service sectors Based on the Substance of the Republic of Indonesia Ombudsman Administration South Sulawesi Representative in 2016

Maladministration Substance	Total	Percent
Prolonged Delay	56	10%
Not Providing Services	35	4,9%
Not competent	19	1,5%
Abuse of authority	103	26%
Request for Corruption Money Rewards	216	35%
Procedure deviations	78	14%
Acting improper and inappropriate	49	8%
Discrimination	42	7,3%
Conflict of interest	15	0,7%
Take sides	21	2,6%
Total	631	100%

Based on the data entered in relation to maladministration in other services, there were 631 reporters and 459 cases resolved and 172 cases in the follow up process.

The result of Interviewing ST Dwi Adiyah Pratiwi, assistant chairman of the Ombudsman of Republic Indonesia South Sulawesi Representative, on 25 December 2016 Judging by Article 23 verse 1 and 2, law no. 37 in 2008 about the Ombudsman of Republic Indonesia and law number 25 in 2009 about public service of the ombudsman to conducts its duties and roles in improving service of Makassar city by controlling, monitoring and receiving reports from the community in the form of correspondence, facsimile, filling complaint form, either by telephone, or email and so on (see Table 4).

Table 04. Public reports/complaints regarding alleged maladministration in public services of Ombudsman in 2013- 2016

Mechanism	Total	Percent
Letter	1359	25,40%
Come directly	2549	48,89%
Telephone	306	5,87%
Website	100	1,95%
Email	104	2, 64%
Media / initiative investigation	736	14, 23%
Facsimile	25	0,46%
complaint Form	30	0,56%
Total	1.105	100%

Based on the interview with the assistant of chairman of the ombudsman Based on data from the Ombudsman of the Republic of Indonesia in South Sulawesi Representatives as on December 31, 2016. Steps of the ombudsman after receiving the community report, the Ombudsman carried out the stages of handling reports, registering reports, analysing, even conducting report investigation, then the Ombudsman sends recommendations to the Reported Party with a copy to the Reporting Party. Because there is a copy

to the Reporting, then the Reporting party will always participate in monitoring the progress of the handling of the report by the Ombudsman and monitoring the progress of the follow-up recommendations by the Reported party. Meanwhile, the Reported Party was encouraged to follow up on the recommendations it received, because the Ombudsman always monitored the government's seriousness in following up on the Ombudsman's recommendations (see Table 5).

Table 05. Follow-up of the Ombudsman of Republic Indonesia South Sulawesi Representative on Resolving Alleged Maladministration

Follow-up	Total	Percent
Does not meet formal requirements	50	13%
The reporter revoked his report	10	1,0%
Not authorized	34	8%
Clarification	20	3,7%
Investigation	35	8,1%
Suggestion	8	1%
Recommendation	23	4%
Delegation	12	1,3%
Finished	485	60%
Total	679	100%

In fact, the Ombudsman of Republic Indonesia South Sulawesi Representative received reports or complaints about the implementation of public services which increased from 2015-2016. In 2015 there were 60% of the society Reports, and in 2016 there were 80% of reports that could be completed of society reports, it could be said to be 60% of the total number of society reports, and 40% were still in process or follow up.

7. Conclusion

For prevention that has been done by the ombudsman of Republic Indonesia south Sulawesi representative, in addition to socializing in various regional institutions the ombudsman besides receiving direct reports from the society, they also investigating their own initiatives socialization, conducting meetings with regional governments, regarding regional governments, regarding public services.

This research has shown that the Public Service is a realization or tangible manifestation of the existence public administration concepts. Public administration which aims to provide good, efficient, effective and good service.

Giving public services in certain cases the contract can be given to the private sector, for example the use of the private sector in constructing infrastructure. However, not all types of public services can be given to the private sector and only the government must do so, if it is associated with the classification of types of administrative services, because it is closely related to government authority in the concept of administrative law.

The realization of good public services will create a prosperous legal state where the level of public services is very high quality and the society gets very high legal protection and so that the state can be called a country that has a very high level of welfare for its society.

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