

**THE ROLE OF OMBUDSMAN IN ENFORCING THE
WHISTLEBLOWING SYSTEM IN INDONESIA**

***PERANAN OMBUDSMAN DALAM PENEGAKAN SISTEM
PELAPORAN PELANGGARAN DI INDONESIA***

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ABSTRACT

Ombudsman is a part of an auxiliary state institution or often referred to as an auxiliary state organ in Indonesia. One of the duties and functions of the Ombudsman institution is to supervise the running of the public service system in Indonesia, the presence of this institution is expected to be able to improve the protection of people's rights in order to obtain public services, justice, and good welfare. The ombudsman institution has the authority to monitor and examine various reports based on complaints given by the public regarding the state administration system through the whistleblowing system that the Ombudsman of the Republic of Indonesia has. For the duties and functions of this Ombudsman institution which is considered strategic, which has been reviewed from the perspective of theory (auxiliary state organs) and the theory of authority, it is hoped that this institution can maintain stability between various other institutions in Indonesia. The method used in this study is doctrinal legal research and normative juridical research approach because this research takes a legal issue as a form of normative system such as laws and regulations. The results of the research that have been carried out show that the Ombudsman institution is considered to have a very crucial role in supervising all forms of the government public service implementation system in Indonesia through the whistleblowing system mechanism, then it needs to be strengthened again regarding the position of the Ombudsman as an auxiliary state organ and its authority to hold on to the products that can

be produced by this institution only in the form of recommendations, not sanctions that can be binding.

Keywords : Ombudsman, Role, Whistleblowing System.

ABSTRAK

Ombudsman merupakan salah satu bagian dari lembaga negara pembantu atau sering disebut dengan istilah organ negara pembantu di Indonesia. Salah satu tugas dan fungsi lembaga Ombudsman adalah melakukan pengawasan terhadap jalannya sistem pelayanan publik di Indonesia, kehadiran lembaga ini diharapkan mampu meningkatkan perlindungan hak-hak masyarakat agar memperoleh pelayanan publik, keadilan, dan kesejahteraan yang baik. Lembaga Ombudsman berwenang untuk melakukan pemantauan dan pemeriksaan terhadap berbagai laporan atas pengaduan yang diberikan oleh masyarakat terhadap sistem penyelenggaraan negara melalui sistem whistleblowing yang dimiliki Ombudsman Republik Indonesia. Atas tugas dan fungsi lembaga Ombudsman ini yang dinilai strategis, yang telah ditinjau dari perspektif teori (organ negara pembantu) dan teori kewenangan, diharapkan lembaga ini dapat menjaga kestabilan antar berbagai lembaga lainnya di Indonesia. Metode yang digunakan dalam penelitian ini adalah pendekatan penelitian hukum doktrinal dan pendekatan penelitian yuridis normatif karena penelitian ini mengambil isu hukum sebagai bentuk sistem normatif seperti peraturan perundang-undangan. Hasil penelitian yang telah dilakukan menunjukkan bahwa lembaga Ombudsman dinilai memiliki peran yang sangat krusial dalam melakukan pengawasan terhadap segala bentuk sistem penyelenggaraan pelayanan publik pemerintah di Indonesia melalui mekanisme whistleblowing system, maka perlu dikuatkan kembali mengenai kedudukan Ombudsman sebagai lembaga negara pembantu dan kewenangannya berpegang pada produk yang dapat dihasilkan oleh lembaga ini hanya berupa rekomendasi saja bukan sanksi yang dapat mengikat..

Kata Kunci : Ombudsman, Peran, Sistem Pelaporan Pelanggaran.

I. INTRODUCTION

The Ombudsman Institution is an independent institution that has the task and function of supervising the performance of government officials and helping the government carry out its duties properly and fairly.¹ The

¹ Dr. Taufiqukohman, S.Sos., M.Si. "Optimizing Ombudsman Maladministration Investigation to Improve the Quality of Public Services," (Central Jakarta, Faculty of Social & Political Sciences, 2015), p.1

Ombudsman of the Republic of Indonesia is present as an answer to the need for bureaucratic reform in Indonesia, especially in the field of public services. The presence of the Ombudsman institution is expected to be able to improve the protection of people's rights to obtain public services, justice, and welfare more effectively. In addition to having duties and functions as a state institution, the Ombudsman also has the authority to clarify, monitor or examine reports or forms of public complaints regarding the state administration system such as maladministration, prolonged delays, and abuse of authority.

In its implementation mechanism, the Indonesian Ombudsman institution plays a very crucial role in ensuring the smoothness and quality of the public service system in Indonesia (good governance) so that in the future a form of state administration system can be created that is free from corruption, collusion and nepotism.² This is then confirmed in Article 6 of the Republic of Indonesia Law Number 37 of 2008 concerning the Ombudsman, which reads: "The Ombudsman functions to supervise the implementation of public services organized by State Administrators and the government both at the central and regional levels, including those organized by State-Owned Enterprises, Regional-Owned Enterprises, and State-Owned Legal Entities as well as private bodies or individuals who are tasked with organizing certain public services."³

The Ombudsman as a state complaint institution continues to strive to develop a reporting mechanism system (whistleblowing system) which system can later describe the government's commitment to maintaining its integrity. The definition of the whistleblowing system has been regulated in Ombudsman regulation number 37 of 2017 which reads: "The Internal Complaint and Violation Handling System (Whistleblowing System), hereinafter referred to as WBS, is a complaint management and violation handling system within the Ombudsman."⁴

The WBS mechanism is used by the Ombudsman to reveal acts of violation or disclosure of acts that may be against the law, unethical/immoral acts that exceed the limits or other forms of acts that may later harm an institution or individual, but in its implementation, this whistleblowing system mechanism is generally carried out in secret and closed.⁵

²*Ibid.*, p. 49

³Article (6) of the Republic of Indonesia Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia.

⁴Article (1) of the Republic of Indonesia Ombudsman Regulation Number 27 of 2017 concerning the internal violation reporting and handling system (whistleblowing system) within the Republic of Indonesia Ombudsman.

⁵Lutfiyah Rizqulloh, Frieda Ani Noor, "Analysis of the Role of the Whistleblowing System as an Effort to Prevent Corruption in the Health Sector in Indonesia," *Urecol Jurnal University Research Colloquium*, No.11 (2020), p. 258

Public reports or complaints that have been received by the Ombudsman and have been resolved through the monitoring and examination stages often encounter several obstacles or barriers because it needs to be underlined that the Ombudsman institution is not an institution that implements power, so the authority possessed by this institution is only the supervisory aspect and providing a recommendation to the related party/reported party in this case the government so that later an evaluation and improvement can be carried out on the recommendations that have been given. Not only that, the increasing number of state institutions that implement this whistleblowing mechanism can narrow the Ombudsman's room for maneuver as a complaint institution.⁶

II. METHOD

The type of research used is a type of doctrinal legal research because this research is conducted by taking legal issues as a form of normative system such as laws and regulations, legal principles and legal doctrines of experts to find a legal framework which is then used to provide views related to a legal event. This research is conducted with the aim of providing legal arguments as a basis for determining whether an event is right or wrong and how the event should be according to the good legal side.⁷

The type of research approach uses a normative legal approach method because the research conducted places law as a reference or building of a norm system. The norm system in question is about the principles, norms or rules, rules of laws and regulations, court decisions, agreements and doctrines (teachings). This method is carried out in order to produce a new argument or concept in solving the problem being studied.⁸

The data collection technique in this study was carried out using document or literature study data collection.⁹With the analysis method used in this study is the interpretation method or interpretation where the mechanism of data analysis is based on a complex understanding of primary legal materials that are correlated with secondary legal materials. The interpretation method used in this case is systematic, historical, and grammatical interpretation. After the data and legal materials are described, this study can analyze the legal issues that have been formulated in the problem formulation by linking the relationship between normative and

⁶Ayni Suwarni Hetty, Bima Guntara, "The Realization of Good Governance Through the Existence of the Position and Authority of the Ombudsman of the Republic of Indonesia Based on Law Number 37 of 2008 Concerning the Ombudsman of the Republic of Indonesia," *Jurnal Pendidikan dan Counseling Universitas Pahlawan* Vol. 4, No. 5, (2022), p. 1710

⁷Dr. Sigit Sapto Nugroho, SH, M.Hum., Anik Tri Haryani, SH, M.Hum., Farkhani, S.HI., SH, MH, "Legal Research Methodology", (Oase Pustaka, Karanganyar, 2020), p. 37

⁸*Ibid*, p. 29

⁹Cholida Hanum, (2020), "Legal Analysis of the Position of Circulars in the Indonesian Legal System," *USM Humani Journal*, Vol. 10, No. 2, p. 138

conceptual arrangements in their implementation in the life of the nation and state.¹⁰

III. ANALYSIS AND DISCUSSION

a. Profile of the Omnibudsman of the Republic of Indonesia

In Indonesia, the plan to establish an Ombudsman institution emerged about twenty years ago during the leadership of President Soekarno. And it was formed in 2000 during the administration of President Gus Dur. The Ombudsman of the Republic of Indonesia was formed with the background of the transitional atmosphere towards a democratic country. At that time, President Gus Dur as President of the Republic of Indonesia decided to establish an Ombudsman institution as an institution that was given full authority to supervise the performance of the government both at the national and regional levels including himself as President of the Republic of Indonesia and public services related to the judicial institution. However, the Ombudsman at this time was referred to as the National Ombudsman Commission which in the next period was called KON, this institution was formed based on Presidential Decree Number 44 of 2000 concerning the National Ombudsman Commission. Previously, the KON institution was listed in Law Number 25 of 2000 concerning Propenas until the issuance of TAP MPR Number VIII/MPR2001 which gave a mandate to the executive and legislative institutions to be able to draft KON laws, even the constitutional commission included a proposed article on KON in the amendment text of the 1945 Constitution.¹¹

In Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, it has been explained that the Ombudsman of the Republic of Indonesia, which can then be referred to as the Ombudsman, is a state institution that has full authority to supervise the public service delivery system, both those that have been organized by various state and government organizers/institutions including those organized by State-Owned Enterprises, Regional-Owned Enterprises, and State-Owned Legal Entities, as well as all private bodies and individuals who have been given the task of organizing certain public service mechanisms, either partially or entirely, with their budgets sourced from the state revenue and expenditure budget or regional revenue budget. Therefore, the Ombudsman institution is considered to be very closely related to two things, namely, public service and the realization of good governance.¹²

The presence of the Ombudsman is a demand of the president and the

¹⁰*Ibid.*, pp. 129-130

¹¹Kartika F, "The Position of the Ombudsman as an Institution for Supervising the Implementation of Public Services in the Constitutional System of the Republic of Indonesia." *Scientific Journal of Law*, Vol. 1, No. 1 (2023), p. 44

¹²*Ibid.*

public for a form of government that is clean, free and transparent. Although at that time President Gus Dur was aware that the Ombudsman institution that he had formed could later be at odds with him when the president made policies or decisions that could be administrative or political.¹³

The Ombudsman of the Republic of Indonesia has a very strategic position as a supervisory institution in order to realize the legal order of the Indonesian state. The Ombudsman institution not only functions as a community supervisory institution but is also one of the pillars of enforcing the principles of a democratic legal state. The Ombudsman of the Republic of Indonesia also functions as a means for the Indonesian people to obtain the right to justice and create a good, clean, and efficient form of government in order to improve the welfare of the community and create legal certainty for all Indonesian citizens as stated in the 1945 Constitution of the Republic of Indonesia.¹⁴

As one of the state institutions that has an independent nature and is not related to other government institutions and has freedom from all forms of involvement of other institutions in carrying out its duties, recommendations or input can also be given by the Ombudsman institution to the government as the full holder of state power so that it can make improvements and perfect the organization and procedures of good public services to avoid various problems related to maladministration. Furthermore, the Ombudsman institution is also expected to be able to provide guarantees to the general public for the basic rights and freedoms of individuals and organizations in the context of public services.¹⁵

1. Constitutional Position of the Ombudsman of the Republic of Indonesia

The state in this case must be responsible for the continuity of the law that has been implemented at this time, because the state is a form of organization that has full power inherent in itself to create and implement laws that will later apply throughout the territory of the Republic of Indonesia. The state has a function in providing a service, organizing various forms of development and organizing government to regulate its people, by prioritizing peace, protecting, and prospering its people.¹⁶

Over time, changes to the legal substance in Indonesia have been carried out four times in stages to the body of the 1945 Constitution of the Republic of Indonesia (later abbreviated as "UUD NRI 1945"), these changes

¹³Dr. Taufiqkohman, "Optimizing Ombudsman Maladministration Investigations to Improve the Quality of Public Services," (Central Jakarta, Faculty of Social & Political Sciences, 2015), p.6

¹⁴Endaratno C, Purnomo Adi, "Legal Review of the Performance of the Republic of Indonesia Ombudsman and Public Services," Unas Law Journal, Vol. 2, No. 1 (2020), p. 140

¹⁵*Ibid*, p. 96

¹⁶*Ibid*.

have brought various impacts on changes in the system and mechanisms of state administration in Indonesia, including those that can be seen in the structure of the position of existing state institutions. Before the changes, the Indonesian state recognized the existence of the highest state institution, but after the changes were made, the terminology began to be unknown. In addition, the form of state institutions also experienced many additions to the number of new state institutions and their existence was not yet known, but after the changes were made to the 1945 Constitution of the Republic of Indonesia, various state institutions emerged.¹⁷

The independent nature of the Ombudsman institution in the context of a state of law should be placed as a form of state power that is free. And placing the Ombudsman institution separately from the three branches of power according to the theory of auxiliary state organs as initiated by Bruce Ackerman who explained that this method is an idea to give power to institutions that are given power to then be able to carry out proportional prosecution in the state structure in order to oversee the upholding of the supremacy of law, especially in Indonesia.¹⁸

The form of supervision that has been carried out by the Ombudsman institution, including through a complaint mechanism or whistleblowing system (WBS), is very necessary to provide assurance that the implementation mechanism carried out by the government can run in accordance with legal norms or in accordance with the provisions in the laws and regulations and provide legal protection for the people for attitudes and actions related to state institutions or institutions that are detrimental to the community can be attempted to obtain protection for their rights as citizens. However, in reality, currently many state institutions such as the KPK, KPU, and MK as well as government agencies in the fields of health, social, and education have their own whistleblowing system mechanisms imitating the methods used by the Ombudsman institution, this has clearly reduced the duties and functions of the Ombudsman as a state institution because this mechanism is a primary mechanism owned by the Ombudsman in revealing all forms of maladministration crimes. The main purpose of supervision (control) is to prevent ongoing errors, both intentional and unintentional, as a form of preventive state effort.¹⁹

¹⁷Aisyah S, Fifiana, Lita T, "The Position of the National Human Rights Commission as a Supporting State Institution (Auxiliary State Organs)," *Diponegoro Law Journal*, Vol. 8, No. 1 (2019) p. 59

¹⁸Marwan Effendy, "The Attorney General's Office of the Republic of Indonesia: Its Position and Functions from a Legal Perspective," (Jakarta: PT Gramedia Pustaka Utama, 2005), p. 39.

¹⁹Conie P, "The Role and Function of the Ombudsman of the Republic of Indonesia in the Effectiveness of Law Enforcement," *Jurnal Sol Justicia*, Vol. 3, No. 2 (2020) p. 147

2. The Authority and Position of the Republic of Indonesia Ombudsman as a Public Service Supervisory Institution

One of the institutions included in the structure of an independent state institution and has the function and task of supervising every step of the state in carrying out its duties is the Indonesian Ombudsman institution. The Ombudsman is included in one of the external and independent supervisory institutions that has duties that have been mandated by the state, including the task of carrying out all forms of supervision of the implementation of public services that have been organized by the government. In carrying out its duties and functions as a state institution, the Ombudsman has been based on Law Number 37 of 2008 concerning the Ombudsman so that in the implementation mechanism as a supervisory institution it can run smoothly in accordance with the expectations of the state.

One of the main elements that is the focus of the ombudsman institution's supervision is related to the service mechanism organized by the state, in this case all state institutions. The public service system in Indonesia is always continuous with the governance structure of government agencies/institutions, both institutions at the central and regional levels as well as state-owned enterprises that are authorized to facilitate the state in fulfilling the rights of the community as citizens. Efforts that have been made to realize clean governance, including in the public service delivery system, require several fundamental elements consisting of elements of professionalism and accountability of state institutions and government agencies as public service providers.²⁰

In realizing a good form of service to the people of Indonesia, the Ombudsman is trying to make one form of renewal of the reporting mechanism that exists in all government agencies or often referred to as the whistleblowing system. This whistleblowing system has the meaning as one form of an institution's effort to reveal actions that can be against the law, all forms of unethical actions, and actions that can cause losses.²¹

Whistleblowing system cannot be separated from the duties and functions of state institutions in Indonesia because this mechanism is an important part of the internal system control by a state institution which is then used as a tool to later be able to reveal various violations that may occur in the scope of public services of government agencies. This system first appeared when Sarbenes-Oxley (American Law) came into effect in 2002 in the United States with the intent and purpose of minimizing the occurrence

²⁰Andi S, "Public Service Problems and the Role of the Ombudsman Representative in Assisting State Civil Apparatus," *Wahana Bhakti Praja Scientific Journal*, Vol. 13, No. 2 (2023) p. 129

²¹Adi Fauzanto, "The Face of Corruption in Indonesia (A Collection of Abandoned Popular Scientific Articles)," (Bandung, Widiba Media Utama, 2023), p. 167

of fraud that can be carried out by government agencies in order to support the realization of the principle of good governance. E-Government which has been implemented by the Indonesian state as the main government program is a form of commitment to the future to be able to improve the implementation of government based on electronic systems. The existence of information technology policies in the government environment is expected to be able to realize a transparent and efficient government mechanism. Through the development of this system, it is also hoped that the autonomous regional government can optimize the use of information and communication technology as a tool for complaint offenses (whistleblowing system) to the maximum.²²

However, it is very important to underline that even though the whistleblowing system that has been implemented by all institutions in Indonesia is very useful for detecting irregularities as early as possible, it must be the concern of all institutions related to important requirements so that this violation reporting system can later run effectively, including protection for reporters and institutional follow-up on reports that have been handled. If these two factors can run well, then in the long term this system will be able to change the behavior of every member of a government agency from being silent, slanderous, to being honest, open, and trustworthy.²³

b. The Role of the Indonesian Omnibudsman in Enforcing the Whistleblowing System

1. Whistleblowing System of Ombudsman in Indonesia

One of the state institutions that has developed a whistleblowing system mechanism is the Indonesian Ombudsman institution, this institution has implemented this mechanism because it is considered to be able to illustrate the government's commitment to maintaining its integrity. This whistleblowing mechanism is very functional and helps the Ombudsman institution in revealing and investigating acts of maladministration that occur in the scope of public services. Whistleblowing is an important element in state institutions that operate in the public service sector because without this mechanism, violations such as maladministration may not be prevented optimally so that the institution must bear the severe consequences of these actions. In addition, violations such as maladministration can have a long-term impact on the integrity of state institutions as implementers of public services. However, currently the reporting mechanism or whistleblowing system (WBS) that has been carried out by the Ombudsman is considered inefficient because currently almost all state institutions and government

²²Dr. Dewi Indriasih, "Whistleblowing Creates Better Institutional/Company Governance," (Bandung, CV. Cendekia Press, 2021), p. 3

²³Ridwan R, Wijayanto, "Corruption Corrupts Indonesia," (Jakarta, Gema Merdeka Jaya, 2013), p. 656

agencies have their own complaint mechanisms, this causes the room for movement (duties and functions) of the Ombudsman institution to be felt to be increasingly narrow²⁴

Strengthening the duties and functions of the Ombudsman of the Republic of Indonesia is expected to encourage the creation of optimization of the supervisory function carried out by the Ombudsman towards the government. The duties and functions of the Ombudsman of the Republic of Indonesia emerged and were formed because the supervision carried out by the Ombudsman of the Republic of Indonesia has a special character in accordance with the character of the Ombudsman institution, the duties of the Ombudsman institution can be seen as different from the duties of other state institutions, the Ombudsman must always limit itself so that there is no duplication in handling complaint problems between existing institutions (disinformation).²⁵

The understanding of institutional structure has been explained that the Ombudsman is not part of the court, prosecutor's office, and police, although in carrying out its daily duties and functions, its implementation has similarities with the duties of several state institutions. The main duties of the Ombudsman institution also have various differences with the duties of non-governmental organizations. Therefore, the Ombudsman must limit itself in such a way that later there will be no duplication related to the complaint handling system with existing institutions, for example, an institution will not interfere in the technical decision-making of the court, but if later there are irregularities in the administrative procedures that may conflict with legal provisions and the system of laws and regulations that are estimated to be able to influence the decision-making process, then the irregularities in the administrative procedures are what can later become the object of research by the Ombudsman.²⁶

One of the institutions that implements the mechanism of checks and balances and becomes an institution that balances power between state institutions in Indonesia is the Ombudsman of the Republic of Indonesia. However, the failure to regulate the Ombudsman institution in the state constitution in this case the statutory regulations can create a big gap for the position of the Ombudsman in the constitutional structure of the Republic of Indonesia that the state does not guarantee the Ombudsman institution as a state institution that is permanent and not easily dissolved. Objectively, the Ombudsman institution of the Republic of Indonesia really needs a legal basis, this is important because it can strengthen the operational basis of the Ombudsman's existence in Indonesia as one of the

²⁴*Ibid*, p. 3

²⁵Adhar H, "Function and Role of the Nusa Tenggara Representative Ombudsman Regarding Law Number 25 of 2009," *IUS Journal*, Vol. 3, No. 7, (2019) p. 6

²⁶*Ibid*, p. 7

public service supervisory institutions.²⁷

The function of the checks and balances mechanism carried out by the Ombudsman is one of the unique functions of state administration, namely one of which has an inspection function of supervision (in the implementation of public administration) where this institution can move in many directions. Furthermore, the function of conventional state institutions, such as executive, legislative and judicial functions that have an inspection function or can be permanent as a counterpart (balancing element) between all state institutions in strengthening the implementation of democracy and constitutionalism in Indonesia and the Ombudsman system that has been running is believed to be one of the new forms of power outside the judiciary, legislative and executive institutions.²⁸

2. Ombudsman Obstacles in Implementing the Whistleblowing System

The assessment of state administrators' compliance with the regulatory system in public services is an effort to prevent alleged maladministration which is currently the focus of important problems and must be resolved immediately by the Ombudsman institution in its role as a supervisory institution in order to carry out national and state development. In addition, the existence of settlement actions related to reports/complaints made by the public in a professional manner is a form of field problems that are generally handled by the Ombudsman institution in carrying out its duties, and in the process of mentoring between the public as reporters and state agencies as reported parties is one of the important substances for planning in the supervision of the implementation of public services that have been running, both for other state institutions and the Ombudsman institution as a supervisory control of the public service system itself.

However, in carrying out its duties and functions, the Ombudsman often encounters several obstacles and problems, including the Ombudsman institution as an institution that has been established by the state to supervise public services in practice and in reality is considered to have a very suboptimal level of recognition percentage. The community who have a position as an object and should be accompanied by the Ombudsman regarding the public service system, in fact, most of them have not received access to more detailed information regarding the work system of this institution, so that this can cause the Ombudsman to be generally unknown.²⁹In addition, the incomplete norms, standards and procedures in

²⁷Oktavia C, Sondakh M, Paseki D, "Position and Role of the Ombudsman of the Republic of Indonesia in the Constitutional System of the Republic of Indonesia," *Jurnal Lex Crimen*, Vol. 11, No. 3, (2022) p. 1

²⁸*Ibid.*

²⁹*Ibid*, p. 148

the implementation mechanism of the Ombudsman's duties and functions both at the central level and at the 32 provincial Ombudsman regional office representatives are not yet supported by adequate capacity as a state institution, such as institutional capacity including the quality and quantity of human resources and inadequate support for facilities and infrastructure.³⁰

Then now the product that can be produced by the Ombudsman is only in the form of recommendations to the reported agency or institution, this causes the recommendations produced by the Ombudsman to be not mandatory to be implemented. Due to this problem, it is very necessary to strengthen the recommendations that have been made by the Ombudsman from the side of the legislation of the Republic of Indonesia so that later the recommendations issued by the Ombudsman can be complied with by the reported agency or institution. Analysis related to various problems regarding the implementation of the Ombudsman's duties in the field is expected to be valuable input for the development planning system related to public service supervision in Indonesia.³¹

In the Ombudsman's monitoring system for public services, the main role of the community has a significant influence, because in Indonesia the highest power holders are in the hands of the people, so the community can also be a party that can control the performance of the government. Individuals and communities must take an active role in collaborating with the Indonesian Ombudsman through its whistleblowing mechanism in order to shape their own destiny. In other words, this practice of maladministration can later be reduced when the community begins to understand and participate in efforts to prevent maladministration.³²

Strengthening the mechanism of public complaint offenses or the whistleblowing system then really needs to be strengthened again because in its implementation this mechanism greatly influences the public service delivery system and it is proven that the Ombudsman is able to control it through its whistleblowing but at this time the aspect related to sanctions that can be produced by the Ombudsman institution is only in the form of recommendations. Implementation related to recommendations by public service providers such as institutions or agencies providing public services to the recommendations given by the Ombudsman is very important and can be used as a benchmark for the credibility of government or state performance. The attitude of public service providers to the recommendations given by the Ombudsman which are not implemented

³⁰Triantono, Yuni K, "Dynamics of Public Service Supervision by the Republic of Indonesia Ombudsman," (Magelang, Pustaka Rumah Cinta, 2022), p. 32

³¹Hartati, Regina A, "The Role of the Ombudsman as a Public Service Supervisory Institution in Indonesia," *Journal of Administrative Law*, Vol. 2, No. 2 (2021) p. 74

³²Ibid, p. 3

proves that there is a disregard for the Ombudsman's recommendations. In fact, in order to realize good governance, it will not be achieved if there is still a disregard for the form of Ombudsman recommendations.

The recommendations of the Ombudsman of the Republic of Indonesia that are not implemented are in vain because there are still recommendations that are not implemented and that means the legal force of the legal substance of the recommendations issued is still in doubt. The recommendations produced by the Ombudsman are expected in the future to have a binding legal force so that the results of the investigation/findings conducted by the Ombudsman are not wasted and are complied with by all institutions and agencies related to the provision of public services. The public who have reported and sacrificed their time, energy and thoughts that have been poured out will be harmed if the recommendations are not implemented.³³

IV. CONCLUSION

The role of the Ombudsman of the Republic of Indonesia as a state supervisory institution in the public service sector organized by the state has carried out its duties and functions as a state institution and has continuously strived in terms of developing the mechanism for reporting complaints or a whistleblowing system, where over time this system can later illustrate one of the government's commitments in maintaining its integrity in realizing the direction and goals of the nation. In carrying out this mechanism, the journey of the Ombudsman institution has not necessarily run smoothly, various obstacles continue to hinder the Ombudsman in carrying out its duties and functions. Now all state institutions have their own complaint/reporting mechanisms, this has caused the Ombudsman institution's room for movement to become increasingly narrow. In fact, this whistleblowing system mechanism is one of the important roles as a tool for monitoring public services which is a mandate from the law.

Therefore, the authority of the Ombudsman institution should be further strengthened through the reporting or whistle blowing mechanism that has been implemented. The direction of this reformulation then demands that the authority of the Ombudsman, which is currently in the form of recommendations, must be strengthened again by including the authority of the Ombudsman in the Constitution as the highest law, so that later this institution can provide a form of sanction that can be binding. Not only that, the state must strengthen the authority of the Ombudsman again by one way, namely eliminating the whistleblowing system mechanism that has been implemented by some other state institutions by then centralizing

³³Inggit Akim, (2021), "Legal Review of the Recommendations of the Indonesian Ombudsman Regarding Maladministration of Public Services," *Journal of Law and Sustainable Development*, Vol. 2, No. 2, p. 114

it to the Ombudsman institution, because this has been proven by the Ombudsman well in the past few years.

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