

REGULATION OF THE OMBUDSMAN OF THE REPUBLIC OF INDONESIA
NUMBER 41 OF 2019

ON

PROCEDURES FOR MALADMINISTRATION PREVENTION
OF PUBLIC SERVICE DELIVERY

BY THE BLESSINGS OF ALMIGHTY GOD

CHAIRPERSON OF THE OMBUDSMAN OF THE REPUBLIC OF INDONESIA,

- Considering
- a. that to improve the quality of public service delivery in all fields, it is necessary to prevent maladministration practices early on;
 - b. that to prevent maladministration in the effective and efficient public service delivery, it is necessary to support with a delivery guidance of maladministration prevention;
 - c. that to provide a basis and guidelines in the implementation of maladministration prevention of public service delivery, it is necessary to regulate the procedures for maladministration prevention of public service delivery;
 - d. that based on the considerations as referred to in point a, point b, and point c, it is necessary to issue Ombudsman Regulation on Procedures for Maladministration Prevention of Public Service Delivery;

- Observing : 1. Law Number 37 of 2008 on Ombudsman of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2008 Number 139, Supplement to the State Gazette of the Republic of Indonesia Number 4899);
2. Government Regulation Number 21 of 2011 on Formation, Structure, and Work Procedures of Ombudsman Representative Offices of the Republic of Indonesia in the Regions (State Gazette of the Republic of Indonesia of 2011 Number 42; Supplement to the State Gazette of the Republic of Indonesia Number 5207), as amended by Government Regulation Number 48 of 2017 on Amendment to Government Regulation Number 21 of 2011 on Formation, Structure, and Work Procedures of Ombudsman Representative Offices of the Republic of Indonesia in the Regions (State Gazette of the Republic of Indonesia of 2017 Number 246, Supplement to the State Gazette of the Republic of Indonesia Number 6143);
3. Ombudsman Regulation Number 10 of 2012 on Implementation of Government Regulation on Formation, Structure, and Work Procedures of Ombudsman Representative Offices in the Regions (State Bulletin of the Republic of Indonesia of 2012 Number 135), as amended by Ombudsman Regulation Number 29 of 2018 on Amendment to Ombudsman Regulation Number 10 of 2012 on the Implementation of Government Regulation on Formation, Structure, and Work Procedures of Ombudsman Representative Offices in the Regions (State Bulletin of the Republic of Indonesia of 2018 Number 466);
4. Ombudsman Regulation Number 30 of 2018 on Organization Structure and Work Procedures of Assistant Ombudsman of the Republic of Indonesia (State Bulletin of the Republic of Indonesia of 2018 Number 278);

HAS DECIDED:

To Issue: OMBUDSMAN REGULATION ON PROCEDURES FOR MALADMINISTRATION PREVENTION OF PUBLIC SERVICE DELIVERY.

CHAPTER I

GENERAL PROVISIONS

Articles 1

In this Ombudsman Regulation:

1. Ombudsman of the Republic of Indonesia, hereinafter referred to as Ombudsman, means a state institution that has the authority to oversee the implementation of public services organized by state and government administrators including those organized by State-Owned Enterprises, Local-Owned Enterprises, and State-Owned Legal Entities as well as private entities or individuals assigned of organizing certain Public Services, some or all of which are sourced from the state budget and / or local budget.
2. Public Services mean activities or series of activities in order to fulfil service needs in accordance with legislation for every citizen or resident for goods, services, and / or administrative services provided by the providers of Public Services.
3. Public Service Provider overseen by the Ombudsman, herein after referred to as Provider, means every institution of state and government administrators including those held by State-Owned Enterprises, Local-Owned Enterprises, and State-Owned Legal Entities as well as private or individuals assigned the task of delivering certain Public Services, some or all of funds which are derived from the state budget and/or local budget.
4. Maladministration means behaviour or actions against the law, exceeding authority, using authority is intended, including negligence or neglect of legal obligations in the implementation of Public Services carried out by the state and government officials which cause material and/or immaterial losses to the public and individuals.
5. Maladministration Prevention means a process, method, or action taken by the Ombudsman in an active manner, through Detection, Analysis, and Advice Implementation Treatment so that Maladministration does not occur or recure.
6. Detection means the inventory, identification and updating of Public Service issues in determining the potential occurrence of Maladministration.
7. Complaint Data means data regarding complaint or submission of facts resolved or followed up by the Ombudsman submitted in writing or orally by every person who is a victim of Maladministration.
8. Analysis means a series of activities to collect data, review, and formulate advice.
9. Survey means data collection and Analysis of Survey results related to Public Service issues.

10. Systemic Investigation means a form of an activity carried out based on the potency of Maladministration or repeated Maladministration.
11. Rapid Assessment means a form of Systemic Investigation conducted with a short period of time based on the potency of Maladministration with causal factors located in the service delivery unit.
12. Systemic Review means a Systemic Investigation conducted with a certain period of time based on actions, behaviours, and policies that have the potency of Maladministration or repeated Maladministration with causal factors that are in the external environment of the service delivery unit.
13. Advice Implementation Treatment means a series of activities in order to deliver and attempt to ensure the Ombudsman's advice is implemented by relevant stakeholders.
14. Plenary Meeting means the highest decision-making mechanism attended by half plus one of the Ombudsman Members.
15. Ombudsman Representative, hereinafter referred to as Representative, means Ombudsman office in the province or regency/municipality which has a hierarchical relationship with the Ombudsman

Article 2

- (1) The Ombudsman has the authority to conduct Maladministration Prevention of Public Services delivered by Provider.
- (2) The Maladministration Prevention as referred to in section (1) is carried out by the assistantship who carries out prevention function and duty.
- (3) The Maladministration Prevention as referred to in section (1) includes 3 (three) stages of activities, namely:
 - a. Detection;
 - b. Analysis; and
 - c. Advice Implementation Treatment.
- (4) The stages of activities as referred to in section (3) may involve the public.

CHAPTER II
DETECTION

Part One

Objective

Article 3

The Detection activity as referred to in Article 2 section (3) point a aims to:

- a. find out the potency of Maladministration by related parties; and
- b. identify issues for improvement.

Part Two

Scope

Article 4

- (1) The scope of Detection activity includes:
 - a. Repeated Maladministration; and
 - b. Public Service issues that have a broad impact and become public attention.
- (2) The Public attention as referred to in section (1) point b includes the number of victims, the complexity of the issues, and the loss/damage caused.

Part Three

Stages

Article 5

The stages of Detection activity consist of:

- a. inventory;
- b. identification;
- c. updating; and
- d. preparation of Detection results.

Part Four
Inventory

Article 6

- (1) The Inventory as referred to in Article 5 point a is an initial data collection activity related to Public Service issues.
- (2) The initial data collection as referred to in section (1) carried out through:
 - a. mapping of Complaint Data;
 - b. mapping of Public Service issues;
 - c. compilation of previous Survey results;
 - d. mapping of academic researches;
 - e. mapping of regulations; and/or
 - f. mapping of stakeholder information and/or data.

Article 7

- (1) Mapping of Complaint Data as referred to in Article 6 section (2) point a is an activity of Complaint Data Analysis to find out the tendency of Public Service issues that are often reported to the Ombudsman.
- (2) The Complaint Data as referred to in section (1) is sourced from the Ombudsman database system.
- (3) Mapping of Complaint Data includes the following:
 - a. substance of the Public Service issues;
 - b. classification of the Provider institutions;
 - c. type of Maladministration; and
 - d. classification of complainants who report about Public Service issues.

Article 8

- (1) The mapping of Public Service issue as referred to in Article 6 section (2) point b is a news tracking activity sourced from mass media verified by Press Council.
- (2) The mapping of Public Service issues includes the following:

- a. name of the referenced media;
- b. date of publication;
- c. subject of the news;
- d. object of the news; and
- e. time and place of the incident.

Article 9

- (1) The Compilation of previous Survey results as referred to in Article 6 section (2) point c is an activity of collecting Survey result that have been conducted by the Ombudsman or other institutions.
- (2) The Survey conducted by other institutions as referred to in section (1) are Survey that can be accounted for.

Article 10

The mapping of academic researches as referred to in Article 6 section (2) point d is an activity of searching and compiling relevant previous studies.

Article 11

The mapping of regulations as referred to in Article 6 section (2) point e is an activity of tracing or searching for relevant legislation.

Article 12

- (1) The mapping of information and/or data of stakeholders as referred to in Article 6 section (2) point f is an activity carried out directly and/or indirectly with the aim of obtaining information and/or data from the public.
- (2) The information and/or data of stakeholder as referred to in section (1) may be sourced from:
 - a. electronic media;
 - b. meetings; and/or
 - c. complaints.

Part Five

Identification

Article 13

- (1) The identification as referred to in Article 5 point b is an activity to find out and determine issues, parties involved, the potency of Maladministration in Public Service delivery.
- (2) The identification as referred to in section (1), is carried out by reviewing the results of inventory and/or open and/or closed observation.
- (3) The qualifications of the party allegedly involved as referred to in section (1) are determined based on:
 - a. position responsibility;
 - b. institutional responsibility; and
 - c. personal responsibility.
- (4) The potency of Maladministration is elaborated in the form of action and the loss caused.

Part Six

Updating

Article 14

- (1) The updating as referred to in Article 5 point c is an activity to find out the current situation or development of an issue that will be assessed.
- (2) Updating is done by completing the review of the inventory results of:
 - a. developing issues; and/or
 - b. efforts that have been or are being undertaken by the Provider and relevant stakeholders.

Part Seven

Compilation of Detection Results

Article 15

- (1) Inventory, identification, and updating results are compiled in the form of Detection results.
- (2) The Detection results as referred to in section (1) contains:
 - a. issues;

- b. related parties;
 - c. impact;
 - d. conclusions; and
 - e. priority/urgency level of the issues.
- (3) The Detection results as referred to in section (1) are submitted to the Plenary Meeting or Representative meeting to reach a decision.

Article 16

- (1) The decision in the Plenary Meeting or Representative meeting as referred to in Article 15 section (3) are:
- a. accepted;
 - b. accepted with corrections; or
 - c. rejected.
- (2) The decision as referred to in section (1) considers strategic aspects, workload, and budget availability.
- (3) The decision as referred to in section (1) point a and point b is followed up by the unit handling the Analysis and/or the Representative.

Article 17

In the event of strategic issues with national impact, the Representative proposes the Detection results to reach a decision in the Plenary Meeting.

CHAPTER III

ANALYSIS

Part One

Objectives

Article 18

The Analysis activity as referred to in Article 2 section (3) point b aims to:

- a. confirm that maladministration has occurred;
- b. identify the causes of Maladministration; and
- c. improve the implementation by providing advice.

Part Two

Scope

Article 19

The scope of the Analysis activity includes:

- a. repeated Maladministration;
- b. Public Service issues that have a broad impact and become public attention; and
- c. proposed policy changes.

Part Three

Stages

Paragraph 1

General

Article 20

- (1) Analysis activities include direct data collection, review, and formulation of advice.
- (2) The direct data collection as referred to in section (1) is carried out to obtain information, documents and evidence regarding issues in the Public Service delivery.
- (3) The review as referred to in section (1) is an activity to examine the suitability of information and documents obtained based on theories, references, and the provisions of legislation.
- (4) The formulation of advice as referred to in section (1) is an activity to prepare the results of the review in the form of advice for improvement to be implemented by the Provider.
- (5) The stages of Analysis as referred to in section (1) are carried out in activities:
 - a. Survey; or
 - b. Systemic Investigation.

Paragraph 2

Survey

Article 21

- (1) Survey is conducted by the unit handling Survey at the Ombudsman.
- (2) The Survey as referred to in section (1) may be assisted by the Representatives.
- (3) The Survey is conducted through parametric and non-parametric approaches by taking into account a deductive perspective, a proportional sample of a population related to Public Service issues, and quantitative or qualitative types of data collection.
- (4) The quantitative and qualitative data collection as referred to in section (3) are followed up with review and Analysis activities.
- (5) The series of Survey activities are carried out within a maximum of 6 (six) months after the Detection result report is approved in the Plenary Meeting or Representative meeting.
- (6) Provisions regarding technical guidelines regarding data collection, the review and Analysis as referred to in section (3) and (4) are further regulated through a decision of the Chairperson of the Ombudsman.

Article 22

- (1) In certain matters, the Survey may involve external Survey institutions based on the decision of the Plenary Meeting.
- (2) The certain matters as referred to in section (1), include;
 - a. the need for specialized expertise; and/or
 - b. limited number of human resources.
- (3) The external Survey Institutions as referred to in section (1) must fulfil the requirements of:
 - a. the reliable Survey results; and
 - b. survey funding comes from the state budget and follows state financial governance.
- (4) In the event that funding for the external institution Survey does not come from the state budget as referred to in section (3) point b, it can be carried out as long as it is

non-binding and the data search method is determined by the Ombudsman.

Article 23

- (1) The Review and Analysis as referred to in Article 21 section (4) is followed up with the preparation of the Analysis result report and executive summary.
- (2) The Analysis result report as referred to in section (1) for Survey contains at least:
 - a. field findings;
 - b. conclusion of the meeting; and
 - c. advice for improvement.
- (3) In order to provide convenience for related parties, the Analysis result report is made in the form of an executive summary, which at least contains:
 - a. abstract;
 - b. advice for improvement;
 - c. survey findings; and
 - d. concluding remarks.
- (4) The advice for improvement as referred to in section (2) point c and section (3) point b are in the form of:
 - a. fulfilment and improvement of Public Service standards;
 - b. strengthening the management of Public Service complaints;
 - c. improved regulations and policies;
 - d. evaluation of the competence of the Provider; and/or
 - e. Any other suggestions deemed necessary.

Paragraph 3

Systemic Investigation

Article 24

- (1) The Systemic Investigation of Ombudsman is carried out by the unit handling the review at the central Ombudsman and Representative in accordance with their authority.

- (2) The Systemic Investigation of Ombudsman as referred to in section (1) in the form of:
 - a. Rapid Assessment; or
 - b. Systemic Review.

Article 25

- (1) Analysis in the Rapid Assessment is done through identification of gaps between fact and norm.
- (2) The series of Rapid Assessment activities are carried out within a maximum of 3 (three) months after the Detection result report is approved in the Plenary Meeting or Representative meeting.
- (3) The Rapid Assessment results are compiled in the form of an Analysis report.
- (4) The Analysis report as referred to in section (3) for the Rapid Assessment:
 - a. chronology of the problem;
 - b. field findings;
 - c. conclusion of findings; and
 - d. advice for improvement.
- (5) In addition to the above, the Analysis Report for the Rapid Assessment is also produced in the form of a policy brief.
- (6) The policy brief as referred to in section (5) is a summary of the final report of the Rapid Assessment which includes:
 - a. advice for improvement;
 - b. problem formulation;
 - c. findings; and
 - d. concluding remarks
- (7) The advice for improvement as referred to in section (6) point a in the form of:
 - a. fulfilment and improvement of Public Service standards;
 - b. strengthening the management of Public Service complaints;
 - c. improvement of regulations and policies;
 - d. evaluation of the competence of the Providers; and/or

- e. any other advices deemed necessary.
- (8) Technic of data collection in the Rapid Assessment is carried out using methods that are further regulated through a decision of the Chairperson of the Ombudsman.

Article 26

- (1) The Analysis in the Systemic Review is carried out through identification and description of issues between facts and the provisions of legislation as well as the causal factors and root causes of the occurrence and/or repeated of Maladministration.
- (2) The series of Systemic Review activities are carried out within a maximum period of 6 (six) months since the Detection result report is approved in the Plenary Meeting or Representative meeting.
- (3) The Systemic Review results are compiled in the form of an Analysis result report.
- (4) The Analysis result report as referred to in section (3) for Systemic Review contains:
 - a. issues or focus of the Systemic Investigation;
 - b. data of field finding;
 - c. a systemic approach discussion; and
 - d. advice for improvement.
- (5) In addition to the above, the Analysis result report for Systemic Review is also made in the form of a policy brief.
- (6) The policy brief as referred to in section (5) is a summary of the final report of Systemic Review including:
 - a. advice for improvement;
 - b. problem formulation;
 - c. findings; and
 - d. concluding remarks.
- (7) The advice for improvement as referred to in section (6) point a are in the forms of:
 - a. fulfilment and improvement of Public Service standards;
 - b. strengthening the management of Public Service complaints;
 - c. improvement of regulations and policies;
 - d. evaluation of the competence of the Provider; and/or

- e. any other advices deemed necessary.
- (8) Technic of data collection in the Systemic Review is carried out using a method that is further regulated through a decision of the Chairperson of the Ombudsman.

Paragraph 4

Analysis Results

Article 27

- (1) The Analysis result report is submitted to the Plenary Meeting or Representative meeting to reach a decision.
- (2) The decisions as referred to in section (1) are:
 - a. accepted; or
 - b. accepted with corrections.
- (3) The decisions as referred to in section (2) are followed up by the relevant unit in the form of submission of an Analysis result report.
- (4) The decisions as referred to in section (2) point b are followed up by making improvement by the relevant unit.

Article 28

- (1) The submission of the Analysis result report as referred to in Article 27 section (3) may be carried out in an open and/or closed method by the unit handling the Analysis activity.
- (2) The open submission of the Analysis result report as referred to in section (1) is submitted to the head of the Provider as the recipient of the advice by involving stake holders related to the substance of the issues and can be published.
- (3) The open submission of the Analysis result report can be done in the forms of:
 - a. general meetings;
 - b. meetings; and/or
 - c. correspondences.
- (4) The open submission of the Analysis result report by the Representative is carried out in the form of a meeting and/or correspondence.

- (5) The closed submission of the Analysis results report as referred to in section (1) is carried out only by inviting the head of the Provider as the recipient of the advice.

Article 29

The Analysis result report that has been submitted to the head of the Provider as the recipient of the advice as referred to in Article 28 section (2) is followed up by the unit handling of the Advice Implementation Treatment.

CHAPTER IV

ADVICE IMPLEMENTATION TREATMENT

Part One

Objectives

Article 30

The activities of Advice Implementation Treatment as referred to in Article 2 section (3) point c aim to:

- a. ensure advice implemented by the provider institutions;
- b. assist the implementation of advice; and
- c. ensure the policy changes.

Part Two

Scope

Article 31

- (1) The scope of the Advice Implementation Treatment activity includes:
 - a. advice for improvement implemented by the Provider; and
 - b. action plan or follow-up.
- (2) The series of Advice Implementation Treatment activity are carried out within a maximum of 3 (three) months after the Analysis result report is submitted.

Part Three

Stages

Article 32

- (1) Advice Implementation Treatment can be done in the forms of:
 - a. monitoring of the implementation of the advice;
 - b. publication of advice; and
 - c. assistance.
- (2) The Advice Implementation Treatment is carried out by the unit handling the Advice Implementation Treatment.

Article 33

The monitoring of the implementation of the advice as referred to in Article 32 section (1) point a is overseeing the implementation of the Analysis results.

Article 34

- (1) The publication of advice as referred to in Article 32 section (1) point b at least contains:
 - a. the forms of Maladministration found; and
 - b. advice for improvement.
- (2) Publication of advice is done in the forms of:
 - a. press conference;
 - b. mass media releases;
 - c. Ombudsman's social media posts;
 - d. public service advertisements; and/or
 - e. other forms as needed.
- (3) Publication of advice can be done simultaneously with the delivery of activity results.

Article 35

- (1) The assistance as referred to in Article 32 section (1) point c is carried out by communication between liaison officers, correspondences, and/or public meetings.
- (2) Assistance needs to pay attention to the achievement target, activity period, budget, and the deadline of the current budget year.

Article 36

- (1) The results of the Advice Implementation Treatment are compiled in the form of a report on the results of the Advice Implementation Treatment as a material for determining the status of the implementation of the advice.
- (2) The unit handling the Advice Implementation Treatment submits a proposal for the status of the implementation of advice in the Plenary Meeting or Representative meeting.
- (3) The Plenary Meeting or Representative meeting as referred to in section (2) determines the status of the implementation of the advice based on the Advice Implementation Treatment.
- (4) The status of the implementation of the advice as referred to in section (2) are:
 - a. advice is implemented;
 - b. advice is partially implemented; or
 - c. advice is not implemented.
- (5) The advice is implemented as referred to in section (4) point a if there are:
 - a. policy changes by Providers within the stipulated time;
 - b. fulfilment and improvement of Public Service standards;
 - c. strengthening the management of Public Service complaints;
 - d. evaluation of the competence of Public Service Providers; and
 - e. other implementation of advice.
- (6) In the event that advice is not implemented or partially implemented as referred to in section (4) point b and point c, the Plenary Meeting may decide to report the results of the Analysis to:
 - a. the President;
 - b. the House of Representatives;
 - c. the Regional Head; and/or
 - d. the Regional House of Representatives.

Article 37

Further provisions regarding technical guidelines for the Prevention of Public Service Maladministration are stipulated by the Chairperson of the Ombudsman.

CHAPTER V

MISCELLANEOUS PROVISIONS

Article 38

- (1) The results of Maladministration Prevention activities can be used as a basis for assessing the quality of Public Services.
- (2) Assessment of the quality of Public Services is in the form of an opinion containing the statement of the Ombudsman on the quality of Public Services at the Provider.

CHAPTER VI

CLOSING PROVISION

Article 39

This Ombudsman Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Ombudsman Regulation by its placement in the State Bulletin of the Republic of Indonesia.

Issued in Jakarta
on 31 December 2019

CHAIRPERSON OF THE OMBUDSMAN
OF THE REPUBLIC OF INDONESIA,
signed
AMZULIAN RIFAI

Promulgated in Jakarta
On 31 December 2019

DIRECTOR GENERAL OF LEGISLATION OF THE MINISTRY OF LAW AND
HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

State Bulletin of the Republic of Indonesia of 2019 Number 1769

Jakarta, 7 May 2024

Has been translated as an Official Translation
on behalf of the Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



ASEP N. MULYANA