

Measuring the Ombudsman's Partisanship: An Analysis of Maladministration Oversight and Its Impact on Public Justice In Gorontalo

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Abstract

The Ombudsman has an important role in creating public justice through supervision of public services, but the effectiveness of this supervision is still hampered by various factors such as limited human resources, lack of public understanding, and resistance from some public service providers. Strategic steps are needed to improve the quality of human resources, expand socialization regarding the role of the Ombudsman, and strengthen cooperation with related agencies so that supervision of maladministration can run better and have a positive impact on the quality of public services in Gorontalo Province. This article aims to analyze the extent to which the Ombudsman's bias in supervising maladministration in Gorontalo Province influences the creation of public justice. This study uses a qualitative descriptive approach with an analytical method. The results of the study show that: 1) supervision of maladministration by the Ombudsman of Gorontalo Province is still hampered by several factors that affect its effectiveness in creating public justice. The main obstacle found is the limited human resources with only 12 staff which reduces efficiency in handling reports and cases of maladministration. Therefore, increasing the number of human resources and increasing capacity through routine training is important to improve the performance of the Ombudsman; 2) the lack of public insight regarding the role of the Ombudsman in supervising public services requires more intensive socialization to increase public understanding and participation; 3) although most public service providers respond positively to the existence of the Ombudsman, there is still a less than supportive attitude from several parties regarding maladministration. Therefore, there needs to be better coordination with local governments and strengthening understanding regarding the independence and neutrality of the Ombudsman to increase accountability and transparency in public services.

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1. INTRODUCTION

The Ombudsman's role as an external oversight body for the government is crucial in ensuring accountability and transparency in public services. In Indonesia, the Ombudsman plays a key role in overseeing maladministration practices, including the abuse of administrative procedures that harm public rights. Although regulations govern the

Ombudsman's duties and functions, its implementation is often influenced by various factors, including bias in oversight. In this context, an analysis of how the Ombudsman in Gorontalo oversees maladministration and its impact on public justice is highly relevant. The Ombudsman's bias in handling public complaints can influence the effectiveness of oversight and create justice or, conversely, injustice in the public service process.

Public services are mandatory for the government to fulfill the rights of citizens. Public services in a country are provided in various ways, including public goods, public services, and administrative services such as education, teaching, employment and business, housing, communication and information, the environment, health, social security, energy, banking, transportation, natural resources, tourism, and other strategic sectors (Pratama & Ginting, 2023). Public services are closely related to the implementation of *Good Governance*. This is because the essence of *good governance* seen from the success of the implementation of public services (Sahi, 2024)

When local governments can provide good public services, it will boost public trust in government performance. Furthermore, Law Number 25 of 2009 concerning Public Services explains that public services encompass the interests of all government sectors, such as the government, the private sector, the community, and market mechanisms. State administrators have a very decisive role in the successful implementation of general government duties, development, and service tasks to the community in realizing the goals and objectives of sustainable national development. For this reason, to support the creation of a clean, transparent, effective, and efficient public service process, an oversight institution for the public service process, namely the Ombudsman Institution, was established (Tan, 2020).

Before the Ombudsman was established, public service complaints were only submitted to the reporting agency, and these were often handled by the officials themselves, leaving the public without truly adequate protection. Furthermore, resolving public service complaints involved filing lawsuits. Unfortunately, this process is lengthy and requires significant financial resources (Afri, 2022).

Supervision of services provided by the government is an important element in the effort to create good, clean, and efficient governance, and at the same time is an implementation of democratic principles that need to be developed and applied to prevent and eliminate abuse of authority by the state apparatus and the government itself. Good and excellent service will have an impact on creating public satisfaction with the services received by the community itself and will also increase public trust in the performance of a government institution (Putri, K., & Sahuri, C, 2017).

Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia regulates the form of orders made to follow up on maladministration, whose actions are detrimental to the state and society, and hurt the ideals of the Unitary State of the Republic of Indonesia, which wishes to obtain a better government system (Sari et al., 2019). In order to facilitate the task of supervising the implementation of State duties in the regions, if deemed necessary, the National Ombudsman can form Ombudsman representatives in provincial, district/city areas, which are an inseparable part of the National Ombudsman (Yusriwan et al., 2018).

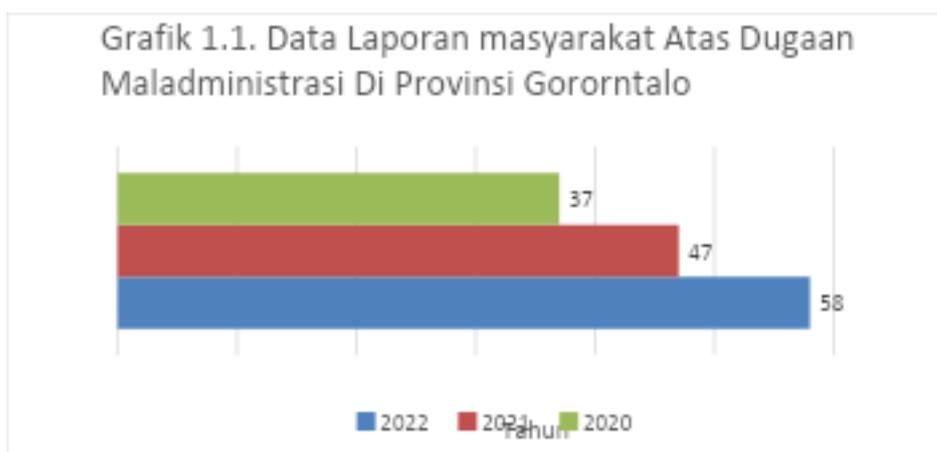
Article 1, Paragraph (3) of the 1945 Constitution mandates that the Republic of Indonesia is a state of law. The Ombudsman of the Republic of Indonesia is an independent institution tasked with and authorized to supervise the implementation of public services in Indonesia. Basically, the oversight mechanism at the Ombudsman begins with a report for further follow-up (Ishak, 2022). The role of the Indonesian Ombudsman itself includes receiving reports on alleged maladministration in the implementation of public services, conducting substantive examinations of reports, following up on reports in accordance with

the Ombudsman's authority, investigating alleged maladministration, coordinating with correctional institutions and individuals, building networks, trying to prevent maladministration, and carrying out other duties assigned by law.

One of the Ombudsman's primary functions is to oversee the activities of state authorities by considering citizen complaints about violations of human and civil rights and freedoms by institutions or officials. In this regard, the Ombudsman's essential functions are to conduct investigations, provide recommendations, restore violated rights, and submit proposals to amend laws or amend unlawful administrative actions (Yusuf Adan et al., 2022).

Maladministration is a term closely associated with the duties and functions of the Ombudsman. The elements of maladministration in the Ombudsman itself include: 1) Behavior/actions that are against the law, exceed authority, use authority for purposes other than those authorized, including negligence and disregard for the law; 2) Occurring in the provision of public services; 3) Carried out by state and government officials; 4) Causing managerial and immanagerial losses to the public and individuals.

Gorontalo Province, as one of Indonesia's regions, faces unique challenges in terms of clean and transparent governance. Cases of maladministration in this region often lead to public dissatisfaction with the quality of public services. In this regard, the Ombudsman's role is to provide solutions. However, how the Ombudsman acts and the extent to which this institution remains free from political interference and bias will determine the extent to which oversight of maladministration can positively impact public justice. Considering the duties and functions of the Ombudsman institution, it is very helpful and oversees public services, especially in Gorontalo Province. Gorontalo Province is also one of the regions that can be said to be developing; it is possible that many things obtained in providing services to the public are still ineffective and cause public unrest in general. This is where the Ombudsman's role is needed to assess the extent of its role in overseeing local government agencies in Gorontalo Province in providing maximum and effective services to the public. The operational methods carried out by bureaucratic individuals who provide public services are increasingly rampant, and there are still irregularities in several agencies. This is evidenced by the continued public reports received by the Indonesian Ombudsman Representative Office of the Gorontalo Province regarding maladministration violations that the public experiences in public services. From 2020 to 2022, the Indonesian Ombudsman Representative Office of the Gorontalo Province itself has received approximately 142 reports of public complaints regarding maladministration violations. The reports can be seen in graph 1.1 as follows:



Source: Indonesian Ombudsman Representative Office for Gorontalo Province 2024

Based on data from 2020 to 2022, public reports received by the Indonesian Ombudsman Representative Office of Gorontalo Province have increased, demonstrating an increase in maladministration reported by the public against public service agencies in Gorontalo Province. The types of maladministration violations most frequently reported include:



Source: Indonesian Ombudsman Representative Office for Gorontalo Province 2024

Based on these issues, it can be concluded that oversight by the Indonesian Ombudsman Representative Office of Gorontalo Province is mandatory in overseeing public service activities, both those conducted by public service providers and the government. This is to minimize the occurrence of undesirable maladministration processes that could harm citizens' rights to public services.

This article aims to analyze the extent to which the Ombudsman's bias in overseeing maladministration in Gorontalo Province influences the achievement of public justice. By assessing its oversight mechanisms, response to complaints, and the impact of decisions taken on the public, this article will reveal whether the Ombudsman is able to play an objective role in improving the quality of public services or actually worsening existing injustices. This research topic is very important because the Ombudsman's oversight of maladministration plays a key role in ensuring the creation of clean and accountable governance. Amidst increasing public demands for transparent and fair public services, the Ombudsman's role as an external oversight institution is very strategic. However, bias in the oversight process can undermine the Ombudsman's objectivity, which in turn can affect justice for the public, especially for those who are victims of maladministration.

2. RESEARCH METHOD

This research uses a qualitative descriptive approach with analytical methods. Moleong (in Mansur et al., 2021) states that qualitative research is "a research procedure that produces descriptive data in the form of written or spoken words from people and observable behavior." The phenomenon in question is how this research can uncover several factors that hinder the resolution of various cases of maladministration supervision in Gorontalo Province.

The data used in this study consisted of primary data obtained directly through interviews and secondary data in the form of documents obtained directly from the Gorontalo Province representative office of the Indonesian Ombudsman. Data collection techniques used in this study included observation, interviews, and documentation. Data analysis techniques included data reduction, data presentation, and concluding.

This research took place at the Gorontalo Province representative office of the Republic of Indonesia Ombudsman. The research period was three months.

3. RESULTS AND DISCUSSION

The Ombudsman, in carrying out its duties to supervise public services in all fields, certainly faces various obstacles, and of course, some of these obstacles are factors that greatly affect the Ombudsman's supervisory performance itself. Based on field findings through the results of interviews conducted by researchers with several respondents, several factors that become obstacles faced by the Indonesian Ombudsman Representative of Gorontalo Province in supervising maladministration are in the form of internal and external factors, namely as follows:

1. Limited Human Resources (HR)

Based on research conducted through direct interviews with several respondents, it was revealed that the Indonesian Ombudsman's Gorontalo Province representative office currently has only 12 human resources, consisting of one representative head and the remaining assistants. This small number of Ombudsman employees can make oversight very difficult and ineffective.

So it can be concluded that this human resource constraint is the first factor that causes the supervision carried out by the Ombudsman not to run well, because it is directly related to public services received by the community through government agencies.

Therefore, based on the researcher's analysis, the government should pay more attention to increasing the number of human resources in the Indonesian Ombudsman representative office in Gorontalo Province, which must be adjusted to their respective duties and functions and the large number of reports received, so that the handling of all reports from the public, especially cases of maladministration in Gorontalo Province, can be resolved properly and fairly. Furthermore, the efforts that must be made by the Indonesian Ombudsman representative office in Gorontalo Province itself are by providing regular mentoring and training for all assistants in the Ombudsman so that the quality of Human Resources in the Ombudsman becomes competent and expert in the fields of prevention, report examination, report verification, case resolution and the agenda for improving the quality of public services can be realized.

2. Lack of Public Insight Regarding the Ombudsman

Research conducted through direct interviews with several respondents revealed that the Ombudsman, as a public service oversight body, is in fact not widely recognized by the public, particularly in Gorontalo Province. Therefore, it can be concluded that the public is unaware of and does not understand the Ombudsman's function.

Furthermore, the Ombudsman is also perceived as an institution that seeks to find fault with those reported, in the eyes of perpetrators of maladministration. As a result, the Ombudsman receives a negative response from those who commit maladministration. Furthermore, the public's lack of understanding of reporting maladministration violations to the Ombudsman does not comply with the procedures or reporting guidelines stipulated in the Ombudsman Law of the Republic of Indonesia.

Therefore, based on the researcher's analysis, to overcome the lack of public insight into the intent and purpose of why the Ombudsman was formed, the Indonesian Ombudsman representative for Gorontalo Province should continue to carry out socialization efforts, where these socialization efforts show that the role of the community in realizing wise public services is very important because the community receives and knows the service needs themselves.

3. Behavior of Public Service Providers

Based on the results of research through direct interviews with several respondents, it shows that public service providers should have a sense of fear regarding the existence of the Ombudsman, whose job is to supervise public services.

Public service actors have responded positively to the Ombudsman's existence, as its primary purpose is to assist in resolving cases filed by the public against an agency. Therefore, this will help prevent the credibility of a public service agency from diminishing in the eyes of the public.

Therefore, based on the researcher's analysis, to overcome the behavioral obstacles of public service providers regarding their performance due to the unfavorable response to the existence of the Ombudsman, one of the efforts undertaken is to continue coordinating with local governments to resolve public reports. This effort is carried out with the aim of ensuring that public service providers understand that the Ombudsman is an independent state institution that is neutral in handling existing cases of maladministration and in order to follow up on various reports, especially cases of maladministration carried out by public service providers themselves.

Based on the findings in the field related to the obstacles that are factors that can influence the supervision of maladministration by the Indonesian Ombudsman Representative of Gorontalo Province towards public services in Gorontalo Province which have been explained previously, therefore the government through the Indonesian Ombudsman Representative of Gorontalo Province must further improve its supervisory performance towards various cases and public reports, especially regarding maladministration violations committed by certain public service providers, which of course must pay attention to the quality and quantity of human resources as well as the completeness of supporting facilities and infrastructure at the Ombudsman itself, to gain the trust of the public by always carrying out their duties well and being able to follow up on various reports, especially cases of maladministration in Gorontalo Province carried out by certain public service providers.

4. CONCLUSION

Amidst increasing public demands for transparent and fair public services, the Ombudsman's role as an internal oversight institution has become very strategic. However, bias in the oversight process can undermine the Ombudsman's objectivity, which in turn can affect justice for the public, especially those who are victims of maladministration. Based on the research results, it can be concluded that maladministration oversight still faces several obstacles that affect its effectiveness in creating public justice, including: 1) Limited human resources. The limited number of human resources at the Gorontalo Province Ombudsman, only 12, is a major factor hampering smooth oversight. This leads to inefficiencies in handling incoming reports and cases of maladministration. Therefore, there is a need to increase the number of staff and improve human resource capacity through regular training so that the Ombudsman can perform its duties more optimally. The addition of human resources tailored to the Ombudsman's duties and functions is expected to improve the quality of public services, making them fairer and more efficient.; 2) lack of public insight into the ombudsman. Many people do not yet understand the function and role of the Ombudsman in overseeing public services. More intensive outreach is needed to provide the public with an understanding of how to report maladministration violations and the importance of the Ombudsman's role in improving the quality of public services. By increasing public insight, it is hoped that there will be a higher awareness of involving the Ombudsman in resolving public service issues; 3) the behavior of public service providers. Although there has been a positive response from most public service providers to the Ombudsman's

existence, there are still unfavorable attitudes from some parties involved in maladministration. To address this, better coordination with local governments and strengthening understanding of the Ombudsman's role as an independent and neutral institution in handling maladministration reports are essential. This is expected to increase accountability and transparency in public services.

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