

THE EFFECTIVENESS OF THE INDONESIAN OMBUDSMAN IN MANAGING THE ADMINISTRATION DURING THE COVID-19 PANDEMIC

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Abstract

This study aims to evaluate the effectiveness of the Ombudsman in handling cases of maladministration in the midst of the Covid-19 pandemic and identify obstacles and efforts in the handling process. Through a qualitative approach with primary and secondary data sources, the results showed that the effectiveness of handling maladministration by the Ombudsman of the Republic of Indonesia representing South Sulawesi decreased during the pandemic. This was due to the adoption of the Work from Home Policy and the implementation of the PSBB, which resulted in delays in the completion of the report. The Ombudsman took steps such as requesting written clarification from the reported Party and opening a Covid-19 complaint post in an effort to make it easier for the public to report suspected maladministration without having to interact directly to prevent transmission of the virus.

Keywords: Maladministration; Ombudsman; Covid-19.

Abstrak

Penelitian ini bertujuan untuk mengevaluasi efektivitas Ombudsman dalam menangani kasus maladministrasi di tengah pandemi Covid-19 serta mengidentifikasi hambatan dan upaya dalam proses penanganannya. Melalui pendekatan kualitatif dengan sumber data primer dan sekunder, hasil penelitian menunjukkan bahwa efektivitas penanganan maladministrasi oleh Ombudsman Republik Indonesia Perwakilan Sulawesi Selatan mengalami penurunan selama pandemi. Hal ini disebabkan oleh adopsi kebijakan Work from Home dan penerapan PSBB, yang mengakibatkan keterlambatan dalam penyelesaian laporan. Ombudsman mengambil langkah-langkah seperti meminta klarifikasi tertulis dari terlapor serta membuka posko pengaduan Covid-19 sebagai upaya untuk memudahkan masyarakat dalam melaporkan dugaan maladministrasi tanpa harus berinteraksi langsung demi mencegah penularan virus.

Kata Kunci: Maladministrasi; Ombudsman; Covid-19.

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INTRODUCTION

Indonesia is known as a country that has a great nation because it has a vast territory consisting of various tribes, races, religions, and cultures. This diversity of the country must be managed well, not only in the field of politics, government, but also in terms of Public Administration in order to give birth to good governance as a reference in carrying out services to the community (public services). In order to provide good service, the state has an obligation to protect and prosper the people. That is, the state is obliged to facilitate in the fulfillment of the rights of its citizens.

The government is essentially a servant to the community that performs the function of service to the community. Clean governance and free from Collusion, corruption and nepotism (KKN) is expected for all Indonesian citizens who live in a state of law where we know that so far there are still people whose rights have not been fulfilled, while Public Service and law enforcement cannot be separated from efforts to realize a democratic government to improve the welfare of the people, justice and legal certainty, clean and transparent government (clean government and good governance). Therefore, as one of the efforts of the government in realizing good public services, it is necessary to establish an institution that can regulate the needs and interests of citizens both for individuals and groups who are impartial (non-discrimination).

On March 10, 2000 the creation of new state and government institutions was established by the government, one of which was the National Ombudsman Commission. The regulation was established in accordance with the Presidential Decree of the Republic of Indonesia number 44 of 2000. The establishment of the National Ombudsman Commission occurred in the era of President Abdurrahman Wahid (Gusdur). Then further in order to improve the functions, duties, and authority of the National Ombudsman Commission, it is necessary for the law on Ombudsman of the Republic of Indonesia as a legal basis to be clear and strong. Finally on October 7, 2008, law of the Republic of Indonesia number 37 of 2008 on Ombudsman of the Republic of Indonesia was officially promulgated. After the Ombudsman Law of the Republic of Indonesia was passed, which was originally in the form of the National Ombudsman Commission was changed to the Ombudsman of the Republic of Indonesia. The name change means that the Ombudsman is no longer a temporary state commission, but like other state institutions, has become a permanent state body and is free from interference from other powers in carrying out its duties and authorities or in this case is independent (independent). It is intended that in carrying out its duties Ombudsman can be objective, transparent, and have accountability to the public.¹

Cooperation between government and society is needed for the progress of a country. Especially now that the government continues to struggle to get out of the Covid-19 pandemic. As it became known at the beginning of 2020, the world was shaken by the outbreak of the coronavirus (Covid-19), which has spread and infected almost all countries in the world and has a significant impact on life. Since January 2020 the World Health Organization (WHO) announced that this Coronavirus outbreak as a global emergency. Therefore, various policies were issued by the government to minimize the spread of the virus. One of the policies is the implementation of Social Distancing (social restrictions) and Physical Distancing (maintaining a safe distance). This certainly interferes with people's activities because they cannot interact or face to face with each other. The implementation of this policy causes

¹ Andi Anas Chaerul M., "Penerapan Ajudikasi Khusus Oleh Ombudsman Republik Indonesia Terhadap Penyelenggara Negara yang Maladministrasi", Vol. 7 No. 1 (Juni 2020), h. 147. <http://journal.uin-alauddin.ac.id/index.php/Jurisprudentie/article/view/14601> (Diakses 07 Juni 2021).

people who usually carry out conventional activities inevitably have to turn to online media in carrying out daily activities. One of the impacts of this policy is that the public service sector is disrupted, such as education, transportation, population and health began to make adjustments as a form of prevention by implementing distance learning, limiting public transportation service routes, and eliminating direct services.²

METHOD

The type of research used is field research, namely field research conducted through interview methods, observation (observation) and documentation, also describes the facts that appear in the field.

RESULT AND DISCUSSION

1. Performance of Ombudsman Of The Republic Of Indonesia Representative Of South Sulawesi In Handling Maladministration In The Midst Of The Covid-19 Pandemic

The existence of the Ombudsman of the Republic of Indonesia as an independent state institution that oversees the implementation of Public Services has an impact on the governance of the Indonesian Constitutional system. This can be seen from the existence of various reports that continue to enter even in the Covid-19 pandemic situation. Even though it means that there are still reports of alleged maladministration by state officials which should be a good example for the community, especially in the midst of this situation.³

Every incoming report will be handled by the Ombudsman as long as the report submitted is included in the authority of the Ombudsman regarding acts of deviation that result in poor public services or referred to as acts of maladministration. Prior to Covid-19, reports could be submitted to the Ombudsman by coming directly so that the public could submit their complaints orally and consult with the assistant for receiving and verifying reports from the Ombudsman of the Republic of Indonesia. In addition, the report can also be submitted in writing through a letter sent to the Ombudsman of the Republic of Indonesia or Ombudsman representative whose contents explain the chronology of the problem. Other ways can also be through WhatsApp, phone, and Email. As stipulated in Law No. 37 of 2008. The most common form of submission is to come directly to the Ombudsman's office. But after the Covid-19 pandemic, complaints were directly reduced and redirected to WhatsApp, phone and Email. Corresponding researcher interview with one of the Assistant Ombudsman who said that :

“Reports of people who have entered since the Covid-19 pandemic have been made through direct mail, WhatsApp, telephone, and E-mail. Although the direct complaint was temporarily curtailed. So complaints are now more by mail and WhatsApp”.⁴

Statement A. Puji Dian Lestari as assistant receipt and verification of the report is clarified by the following report data:

² Satori, Djam'an dan Aan Kamariah, *Metodologi Penelitian Kualitatif* (Cet. I: Bandung: Alfabeta, 2008)

³ Pasamai, Syamsuddin. *Metodologi Penelitian & Penulisan Karya Ilmiah Hukum Suatu Pengetahuan Praktis* (Makassar: Arus Timur, 2013)

⁴ A. Puji Dian Lestari, Asisten Penerimaan dan Verifikasi Laporan Ombudsman RI Perwakilan Sulawesi Selatan, *Wawancara*, Makassar, 7 Juni 2021.

Table 1. Forms of submission and reports entered in 2020 at the Ombudsman of the Republic of Indonesia representative of South Sulawesi

Shape	Number Of Reports
Latter	92
Come Directly	53
WhatsApp	26
Telephone	6
Website	5
Email	3
Anothe	2
Total	187

Source: Results Of Primary Data Processing In 2021

From the table above, it is evident that the form of submission of reports by mail that dominates, while the way to come directly is still in second place with a total of 53 reports. So, based on existing data, it is true that the number of face-to-face forms of delivery has decreased due to restrictions to prevent the spread of the Covid-19 virus. Meanwhile, reports of people entering during the Covid-19 pandemic from January to December 2020 there were 187 reports with various substances. For more details can be.

2. *Obstacles And Efforts In Dealing With Maladministration In The Midst Of The Covid-19 Pandemic*

a. *Obstacles In Dealing With Maladministration Amid The Covid-19 Pandemic*

Ombudsman is one of the institutions that experience obstacles in the implementation of its duties and authorities in the current Covid-19 pandemic conditions. The obstacles experienced by the Ombudsman in dealing with maladministration in the midst of the Covid-19 pandemic are as follows:⁵

1) Implementation of PSBB

The implementation of large-scale social restrictions is one of the government's policies in suppressing the transmission of Covid-19. This is regulated in Government Regulation Number 21 of 2020 concerning PSBB in order to accelerate the handling of Covid-19 which was signed by President Joko Widodo on March 31, 2020. One of the areas that implement this policy is the city of Makassar. Therefore, public services experience obstacles due to this policy, including the handling of the

⁵ M, Andi Anas Chaerul, "Penerapan Ajudikasi Khusus Oleh Ombudsman Republik Indonesia Terhadap Penyelenggara Negara yang Maladministrasi", Vol. 7 No. 1 (Juni 2020), <http://journal.uin-alauddin.ac.id/index.php/Jurisprudentie/article/view/14601> (Diakses 07 Juni 2021).

Ombudsman in following up on allegations of reported maladministration. This is evidenced by the researcher's interview with the Chief examination Assistant Aswiwin Sirua who said that:

“One of the main obstacles in handling maladministration in the midst of the Covid-19 pandemic is the implementation of the PSBB where we cannot clarify directly so the clarification is in writing. This PSBB must be implemented because this is government policy”.

2) Work From Home (WFH)

Work from Home is defined as working from home. This term is no longer a beat thing among the public, not limited to because of the Covid-19 pandemic but this term has been around for quite some time and is done by several professions. However, this does not necessarily apply to those who work in the public service sector who require completing their work directly in the field. Including the Ombudsman of the Republic of Indonesia or representatives of the Ombudsman in the process of handling there are stages of clarification both in writing and in person and investigation.

Clarification is the right of the reportee to explain at length with reference to the legislation about what the “accused” has done maladministration. In addition, conducting investigations is also a must that must be carried out by the Ombudsman assistants who are given the task of examining public complaint reports. This is as stipulated in Article 7 U No. 37 of 2008 on the Ombudsman of the Republic of Indonesia. Investigation is a series of Investigation activities to find answers to problems of alleged maladministration reported to the Ombudsman. This is in accordance with the statement of the Chief examination Assistant Aswiwin Sirua who said that :

"Clarification of the reported suspected of maladministration during the Covid-19 pandemic is carried out in writing considering that many work from home (Work From Home)".⁶

b. Efforts made by the Ombudsman in dealing with maladministration in the midst of the Covid-19 pandemic

One of the efforts made by the Ombudsman in dealing with maladministration in the midst of the Covid-19 pandemic is to open an online Covid-19 complaint Post. This is done as an effort to help the government that has provided services to the community and involves a very large amount of State Budget and/or regional budget. For this reason, an incentive, integrated and focused monitoring mechanism is needed through channels that minimize physical interaction / direct contact. This Covid-19 complaint Post is done online by filling out a form first to make it easier for the Ombudsman to input report data. In the post the complaint found some substance related problems, social assistance (Bansos), electricity subsidies, and Hospital Services. But the dominant is related to social assistance.⁷

CONCLUSION

Based on the results of this study, it can be concluded that the effectiveness of handling maladministration carried out by the Ombudsman of the Republic of Indonesia representative of South Sulawesi since the Covid-19 pandemic has been reduced. Due to the presence of an inhibiting factor, namely the implementation of large-scale social restrictions (PSBB) so that the reported parties are working from home (Work from home) and therefore the Ombudsman of the Republic of Indonesia, representative of South Sulawesi, takes longer than what has been previously determined in its rules for

⁶Aswiwin Sirua, Kepala Asisten Pemeriksaan Ombudsman RI Perwakilan Sulawesi Selatan, *Wawancara*, 8 Juni 2021

⁷ A. Puji Dian Lestari, Asisten Penerimaan dan Verifikasi laporan Ombudsman RI Perwakilan Sulawesi Selatan, *Wawancara*, Makassar, 7 Juni 2021.

the completion of maladministration reports. The efforts made by the Ombudsman in dealing with maladministration in the midst of the Covid-19 pandemic are only to ask for written clarification from the reported Party. In addition, the Ombudsman also opened a Covid-19 complaint post in 2020 which provides space for the public to continue to be able to report if they find suspected maladministration without having to face to face to prevent the transmission of Covid-19.

The implication of this study is that it is expected that the handling of maladministration in the midst of the Covid-19 pandemic by the Ombudsman must still be improved. Given the effort given is still very minimal. For example, there are not many people at the Covid-19 online complaint Post who know the reporting flow. So the Ombudsman needs to improve information either through pamphlets, webinars, or virtual socialization.

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