

The Legal Strength of the Ombudsman Recommendation of the Republic of Indonesia in the Effort of Realizing Good Governance



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ABSTRACT : This study aims to discuss issues regarding what is the role and authority of the Ombudsman of the Republic of Indonesia ? What is the process for examining complaints at the Ombudsman of the Republic of Indonesia ? How is the strength of the Ombudsman Recommendation of the Republic of Indonesia in the effort to realize *good governance* ? The research method used in this research is normative juridical , using secondary legal data obtained through literature study. The results showed that The Ombudsman is a state institution that has the authority to supervise the implementation of public services externally, both those organized by state administrators and the government. The adjudication process by the Ombudsman in resolving public service disputes is only one of several possibilities for resolving public service disputes. The imposition of administrative sanctions for those who ignore the Ombudsman Recommendation shows that basically the Ombudsman is an institution that can actually carry out its function as a supervisory agency.

KEYWORDS: Law Strength, Ombudsman, *Good Governance*

I. INTRODUCTION

A rule of law is a state that uses legal instruments as a basis for the actions and actions of the ruler and its citizens, so that the basis of legality is based on written and unwritten law. The rule of law places the law as the basis of state power and the exercise of this power in all its forms and uses law to ensure justice for its citizens. [1] Service to the community and law enforcement is also carried out in the framework of the implementation of *negara* and *pe merintahan* merupakan integral part of efforts to create a better government, clean, and efficient in order to improve the welfare and creating fairness and legal certainty for all citizens state as referred to in the 1945 Constitution of the Republic of Indonesia. Therefore, supervision of services carried out by state and government administrators is an important element in the effort to create *Good Governance* .[2]

Republic of Indonesia Law No. 25 of 2009 regarding Public Services has been enacted on July 18, 2009, what is meant by public service is an activity or a series of activities in order to meet the needs of community services in accordance with the laws and regulations that apply to every citizen and resident of the Republic of Indonesia. goods, services, and or HR services provided by public service providers. In this regard, the community has rights in the form of: *firstly* , to get quality services in accordance with the principles and objectives of the service; *second* , knowing the system, mechanism and procedure of service; *third* , get responses to complaints submitted properly and get advocacy, protection and fulfillment of services.

Ombudsman is a state institution whose mem was yai authority to oversee the implementation of public service, well organized state officials and the government. Including the authority to supervise public service held by state-owned enterprises, owned d aer ah, state-owned entity, as well as private entities or individuals who were given the task of organizing certain public services, partly or entirely funded from the Budget state and or Budget Be lan ja Regions. The Ombudsman is independent , fair, non-discriminatory, impartial, transparent, balanced and confidential. [3]

The birth of the Ombudsman in Indonesia began during the reign of President Abdul Rahman Wahid due to pressure from the people who wanted a change towards a government that was transparent, clean and free of corruption, collusion and nepotism. Ombudsman is an institution that was formed on March 10, 2000, based on Presidential Decree No. 44 of 2000 on the Commission Om buds man who later after the enactment of the National Law Ombudsman of the Republic of Indonesia on 7 October 2008, the Ombudsman Commission of Indonesia turned into Ombudsman of the Republic of Indonesia. Ombudsman as an independent institution that is menga executor is expected to remain at an early commitment of her establishment is encouraging that public workers were able to function properly. However, the Ombudsman as a supervisory institution is still running in its place so that state administrators who have the support of the Ombudsman can move quickly towards a better *government (good government)*. This study will be me mbahas problems as follows ; What is the role and authority of the Ombudsman of the Republic

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of Indonesia ? What is the process for examining complaints at the Ombudsman of the Republic of Indonesia ? How is the strength of the Ombudsman Recommendation of the Republic of Indonesia in the effort to realize *good governance* ?

This study uses a normative juridical research method by basing the analysis of the problem on the statutory regulations regarding the Ombudsman in Indonesia.[4] The legal data used in this paper is secondary data consisting of primary legal materials, namely statutory regulations and secondary legal materials, namely literature related to research problems . The legal data is obtained through literature study. [5] The analytical approach is carried out in a descriptive analytical manner, meaning that it is analyzed by describing the research problem that is being studied.

II. DISCUSSION

A. Role and authority of the Ombudsman of the Republic of Indonesia

According to the Big Indonesian Dictionary, authority is the right and power that one has to do something. Authority (which usually consists of several powers) is power over a certain group of people or power over a certain, unanimous area of government (or field of affairs), whereas authority only concerns a certain part of it.[6]

Authority means the ability to carry out certain legal actions. In Ridwan HR's book, HD, Stout states that authority is a definition derived from the law of government organizations, which can be explained as a whole of the rules relating to the acquisition and use of government authority by public legal subjects in public legal relations. Ridwan HR also quoted Bagir Manan's opinion, that authority in the language of law is not the same as power (*macht*). Power only describes the right to do or not do, whereas in law, authority also means rights and obligations (*rechten en plichten*).

Pengawasan is one of the organic function of management, which is the process of leadership to ensure and guarantee that the objectives and sas aran and organizational tasks will be and has been performing well according to plan, wisdom, instruction, and the rules that have been established and applicable. The essence of supervision is to prevent violations as early as possible , waste, fraud, obstacles, mistakes and failures in achieving the goals and objectives as well as the implementation of organizational tasks. S ach power slightest likely to be abused. De ngan their freedom of action of a d ministrasi country entering all sectors of public life, sometimes to me nimbulkan loss to the community itself, it is only natural when held supervise the running of the government, which come into one's vision-a guarantee lest Keadaa n country suggestive a dictator without borders, which goes against the rule of law character. On the other hand, it also means that there is a protection system for those governed by discretionary acts (*freies ermessen*) as well as protection against the state administration itself so that its attitudes and actions are good and correct according to law, both written and unwritten.[7]

A supervisory institution called the Ombudsman was first born in Sweden, but basically Sweden is not the first country to build an Ombudsman surveillance system. Bryan Gilling in his writing entitled "The Ombudsman In New Zealand" states that in the days of the Roman Empire there was a Tribunal Plebis institution whose duties were almost the same as the Ombudsman, namely protecting the rights of weak people from abuse of power by aristocrats.[8]

In Indonesia the Commission's establishment of the National Ombudsman (Ombudsman) dilat a rbelakangi by the atmosphere of the transition to democracy. It was at that time that Gus Dur as President of the Republic of Indonesia decided to form the Ombudsman as an institution that was given the authority to oversee the performance of the government (including himself) and the general services of the judiciary, by signing Presidential Decree Number 44 of 2000 concerning the National Ombudsman Commission on March 20. 2000. Since the date of October 7, 2008 Komisi i National Ombudsman (KON) has renamed the Ombuds man of the Republic of Indonesia (ORI) in line with the enactment of Law No. 37 Year 2008 on the Ombudsman of the Republic of Indonesia by Indonesian President Susilo Bam-bang Yudhoyono.[9]

Menu rut Article 1 paragraph 1 of Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia, which referred to the Ombudsman of the Republic of Indonesia , hereinafter referred to the Ombudsman are institutions that share the authority to supervise the implementation of pelay anan public both held by the organizer of state and government, including organized by state-Owned Enterprises, regional-Owned Enterprises and state Owned Legal entity as well as private entities or individuals who were given the task of meny elenggarakan public service a particular part or all of the funds sourced from the budget of revenues and expenditures the state and / or budget revenue expenditure area.

The objective of establishing the Indonesian O mbudsman is to create a democratic, just, and prosperous constitutional state; Encouraging effective and efficient state administration and government, honesty, openness, cleanliness, and free of corruption, collusion and nepotism; improving the quality of state services in all fields so that every citizen and population can obtain justice, a sense of security and better welfare; help create and increase efforts to eradicate and prevent practices of mala dministration, discrimination, collusion, korupsi, and nepotism; enhancing the national legal culture, awareness of public law, and the rule of law that is core to truth and justice. [10]

The Ombudsman in Indonesia is supported by two laws at the same time in carrying out its duties and main and authority, namely Law Number 25 of 2009 concerning Public Services. In carrying out its duties, functions and powers , the Ombudsman has a special form of immunity in the form of *immunity* , namely in carrying out its duties it cannot be arrested, detained, interrogated, prosecuted

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or sued before the court by all parties . The authority of the Ombudsman in the legal state system of the Republic of Indonesia as contained in Law Number 37 of 2008 in conjunction with Law Number 25 of 2009 is the function of supervising public services, which when viewed from its classification in the supervisory system is included in the classification of preventive and repressive supervision. external. In order to promote the establishment of clean and respectable government (clean and strong government), the exercise of authority of the Ombudsman should be placed above the foundation of a democratic constitutional state. [11]

According to Article 24 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia in the field of justice, the ombudsman's authority is limited as long as it relates to the field of service administration, not to the material of court decisions. This is in accordance with the principles adhered to by the judiciary as the executor of judicial power, namely: that judicial power is an independent power to administer the judiciary in order to enforce law and justice. Service administration in the field of justice includes, among other things, when justice seekers know that their case can be examined, speed of case handling and examination, definite case fees, continuous case handling. If a person is not satisfied with the court's decision, the victim cannot report the matter to the ombudsman, but other legal remedies are available, namely: appeal, cassation and reconsideration. In exercising its authority, ORI adheres to the principle of listening to both parties and does not receive any compensation from either the public who reports it or the agency it reports. The ombudsman does not concern himself with legal protection in the true sense, but he tests actions against norms of appropriateness³. The Ombudsman is authorized to receive reports and study reports concerning the alleged mala A dministration conducted by the organizers of the State and the government. By checking the report first to find out whether the report is under the authority of the Ombudsman.

Strengthening the Ombudsman so that it can encourage the optimization of the supervisory function of government administration must always be improved, this is because the supervision of the Ombudsman has a special character in accordance with the character of the Ombudsman who upholds universal values. The non-real nature of the implementation of the Ombudsman's recommendations and suggestions, which is different from the nature of execution in general courts in civil cases, also requires support and / or control from the House of Representatives (DPR) or the Regional People's Representative Council (DPRD) as the people's representative body. which is authorized to exercise control over government policies and is strengthened through the critical awareness of the public to have the courage to implement social control. Thus, the Ombudsman's oversight function of all activities carried out by state institutions can run well and in accordance with the ideals or goals of the Ombudsman formation itself.

B. Examination of complaints at the Ombudsman of the Republic of Indonesia

The principle of law enforcement in *good governance* is not in the narrow sense which only includes written law (statutory regulations), but also includes customary law and social ethics which are packaged in the form of propriety norms. Mala a administration is an act that deviates from administrative ethics, or an administrative act that keeps it away from achieving administrative goals. During this time many people were trapped in understanding mala A dministration, which is solely regarded as irregularities in the administration in the narrow sense, irregularities related only to ketata bukuan and writing . [12]

According to article 1 number 1 of Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, what is meant by maladministration is behavior or actions against the law, beyond authority, using authority for purposes other than those of the said authority, including negligence or neglect of legal obligations. in the administration of public services carried out by State Administrators and the government which cause material and / or immaterial losses to the public and individuals.

The definition of maladministration in general is unreasonable behavior (including postponement of service providers), disrespectful and unconcerned about problems that befell a person due to an abuse of power, including arbitrary use of power or power used for improper acts, unfair, intimidating or discriminatory and improper based partly or wholly on the provisions of the law or deeds, and makes no sense.[13]

Maladministration is a practice that deviates from administrative ethics, or an administrative practice that keeps away from achieving administrative goals. The terminology of maladministration is understood more broadly than is now a drunken disorder. Even so, maladministration must also be understood not only as a deviation from matters of writing, bookkeeping, and so on, but more broadly includes deviations from the functions of public service performed by every state administrator (including members of parliament) to the public. More generally, maladministration is defined as a deviation, violation or neglect of legal obligations and community appropriateness so that actions that are carried out are not in accordance with the general principles of *good governance* . Thus it can be concluded that the parameters used as a measure of maladministration are legal regulations and societal appropriateness as well as the general principles of good governance.

The most common forms of maladministration are prolonged delays, abuse of authority, deviations from procedures, neglect of legal obligations , non-transparency, negligence, discrimination, unprofessionalism, unclear information, arbitrary actions, legal dissatisfaction, mismanagement .[14]

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As a part of enforcement mechanism against violations committed by service agencies public or often referred to maladministration one is to follow up on reports or complaints by requesting clarification of the Party which in this case is the organizer of the State regarding the alleged maladministration done. The complaints submitted to the ombudsman are confidential and the investigation is carried out in secret. In conducting its investigation, the Ombudsman may not collect fees for any reason. The Ombudsman is not authorized to conduct investigations into complaints about government policies or the contents of laws because policy making is the authority of the government while drafting and amending laws is the authority of the DPR. The Ombudsman is also not authorized to carry out investigations into crimes stipulated in the Criminal Code. In addition, what the Ombudsman can do is to provide recommendations for solutions that can be pursued in a substance that is in accordance with the problem and does not rule out the public interest.

In carrying out the task of examining reports, the Ombudsman must be guided by the principles of being independent, non-discriminatory, impartial and free of charge and obliged to hear and consider the opinions of the parties and make it easier for the reporter. Thus, the Ombudsman in checking the reports not only give priority to the Ombudsman the authority is required to give priority to pendekatan persuasive to the parties to the organizers of state and government have their own consciousness can complete a report on alleged maladministration in the implementation of public services. Using this approach means that not all reports have to be resolved through a recommendation mechanism. This is what distinguishes the Ombudsman from law enforcement agencies or courts in resolving maladministration. As for the authority to resolve maladministration by the Ombudsman, this is an attributive authority. This attributive authority originates from the original authority holder such as the Law and is an original and independent authority, does not depend on other powers and is not a gift from other institutions. [15]

Article 7 and Article 8 of the Ombudsman Law explicitly regulate the authority that the Ombudsman has, including:

Article 7

The Ombudsman is in charge of:

- a. receive reports on allegations of maladministration in the administration of public services ;
- b. conduct substance checks on the Report;
- c. following up on reports that fall within the scope of the Ombudsman's authority;
- d. carry out investigations on their own initiative into allegations of maladministration in the provision of public services;
- e. carry out coordination and cooperation with state institutions or other government agencies as well as social institutions and individuals;
- f. building networks;
- g. make efforts to prevent maladministration in the delivery of public services; and
- h. perform other duties assigned by law .

Article 8

- (1) In carrying out the functions and duties as referred to in Article 6 and Article 7 the Ombudsman has the authority to:
 - a. Request for verbal and / or written information from the Reporting Party, Reported Party, or other related parties regarding the Report submitted to the Ombudsman;
 - b. Checking decisions, correspondence, or other documents on the Reporting Party or the Reported Party to obtain the accuracy of a Report;
 - c. Request clarification and / or copies or photocopies of documents required from any agency for examination of the Report from the Reported institution;
 - d. Summons the Reporting Party, Reported Party, and other parties related to the Report;
 - e. Complete reports through mediation and conciliation at the request of the parties;
 - f. Making recommendations regarding the completion of the report, including recommendations to pay compensation and / or rehabilitation to the aggrieved party;
 - g. In the public interest to announce the findings, conclusions and recommendations.
- (2) In addition to the powers referred to in paragraph (1), the Ombudsman has the authority to:
 - a. Delivering suggestions to the President, regional heads, or other leaders of State Administrators for the improvement and refinement of public service organizations and / or procedures;
 - b. Suggesting to the House of Representatives and / or the President, the Regional People's Representative Council and / or the regional head so that the laws and other laws and regulations will be amended in order to prevent maladministration.

Kewenangan sebagaimana listed in Article 8 (1) is more often used for the completion of the public reports, while listed in paragraph (2) is the authority with regard to the practice of supervision carried out in the form of activities pemeriksaan initiative

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(*own motion investigation*) on regulations -laws and their implementation in the form of providing public services to the community.

Ombudsman of the Republic of Indonesia in processing reports or complaints from the public embraces the two stages s i stem investigative stages, the first stage is the investigation behind the counter, which examine the decision, correspondence or other documents submitted the complainant to obtain the truth of the public reports results estab eriksaan This greatly determines the next action if the report submitted is sufficiently chronological and objective and the supporting documents are valid enough and can be directly accounted for , the ombudsman can immediately ask for clarification in order to give the reported party an opportunity to explain otherwise, however, if the report and documents are the documents submitted are still very early and still had to ask the ombudsman minimal further completeness of the reporting or terl Apor and for that i nvestigasi this field is level and the second phase after the investigation documents do behind the counter. Field investigations are carried out by asking for information verbally from the reported or reporting party or other parties that are directly or indirectly related to the reported problem, in this case the protection of the right to freedom of information is of utmost importance so that the ombudsman has broad opportunities to access information. a field investigation can be prepared immediately. This field investigation is the second tier and stage after document investigations are carried out behind the desk. The understanding of the field is not only in an open location such as land as an object of dispute, but also includes the office space of the agency where the reported person works. [16]

In this Ombudsman Law, there is no function of the Ombudsman as an institution that functions as a judiciary. If the Ombudsman carries out mediation in a public service dispute , this is not something extraordinary, because in principle mediation can be carried out, but the adjudication process which then results in a decision, this is a contradiction because the Ombudsman is not a judicial institution and is also not a judicial process. pseudo administration (*administratief quasi rechtspraak*), because the results of the Ombudsman's examination are in the form of recommendations, and this recommendation is not a judge's decision, as stipulated in article 1 point 7 of the Ombudsman Law which reads:

"Recommendations are conclusions, opinions and suggestions which are prepared based on the results of the Ombudsman's investigation, to the Reported Party's superior to be implemented and / or followed up in order to improve the quality of good government administration."

From this explanation, it shows that if the Ombudsman of the Republic of Indonesia has conducted a study or examination related to a report or made a complaint from the public, the Ombudsman of the Republic of Indonesia will issue a product called "Recommendations". The relevant parties must implement the recommendations issued by the Ombudsman .

C. Recommendations from the Ombudsman of the Republic of Indonesia in an effort to achieve *good governance*

Recommendations are interpreted as *suggestions* , but sometimes they can also mean advice. In relation to the duties and authorities of the Ombudsman, the Ombudsman's recommendation is more than just ordinary advice or advice to Government Officials or State Administrators about what to do to improve the services that the public has complained about, both on a case- by-case basis or on a systemic basis . Therefore, the recommendations of the Ombudsman relating to his duties as a supervisor appointed by the House of Representatives / Regions to improve good governance (*good governa nce*) and create a conducive environment for service (just law, including combating and preventing behavioral KKN) . Ombudsman recommendations can be prepared according to the needs of solving problems reported by the community. Choosing the right type of recommendation will provide more effectiveness for the follow-up taken by the Reported Party in responding to the recommendation. There are several types of Ombudsman recommendations as follows: [17]

1. Assisting the whistleblower problem

This type of recommendation was formulated to assist the Reporting Party to solve the problem immediately. For example, there are reporters who complain about the slow service of the Police in handling reports of crimes they have experienced. In this case, after carrying out a series of document and / or field investigations, the Ombudsman prepares a recommendation for the Chief of the Police who is complaining to immediately follow up on the report and provide services to those concerned with suggestions .

2. Imposing sanctions

Sometimes the complaints submitted by the community are not directly related to public services. Actions by some people who are arbitrary, corrupt, and so on are sometimes one of the causes of the poor quality of public services that they are supposed to provide. For complaints like this, the Ombudsman can choose a recommendation structure that provides opinions and suggestions to the Reported Superior so that the Public Officials who are complained are examined, and if found guilty are given sanctions in accordance with the applicable provisions , or submitted to the General Court, Criminal Court or Administrative Court. Country.[18]

3. Prevent maladministration

The Ombudsman's recommendation can be given to the Reported Party's agency as an effort to prevent maladministration . The Ombudsman needs to understand and be sensitive to the various possibilities and opportunities for

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maladministration in reported cases. Usually, maladministration can occur, among others, as a result of an imbalance in social position between the Reporting Party and his Opponent. Opponents of the Reporting Party who have more financial power, more political power and influence, and so on, are very likely to use these advantages to influence Public Officials to save money for their personal gain, compared to Reporters who are only ordinary people, have no financial capacity let alone power.

4. Change the process or system

This type of recommendation is a very constructive type of recommendation, because this recommendation is given to a state institution as the Reported Party in terms of improving its public service system so that the state institution will change for the better. This recommendation is given to the Reported Party if the reported party is proven to have carried out a registration process, where the cause of mal administration is not due to the actions of an individual official, but rather because of the processes or systems in the Reported Party's institution.

The process of resolving Public Service disputes outside and within the Ombudsman of the Republic of Indonesia , based on the Public Service Law, is carried out in several ways:[19]

1. The process of resolving public service disputes carried out within and by the public service provider itself. Implemented in accordance with applicable laws and regulations , by taking the form of *Administratief Beroep* (administrative effort), in stages in the form of administrative objections and administrative appeals.
2. The process of resolving public service disputes carried out by the Ombudsman: Mediation, Adjudication.
3. The process of resolving public service disputes carried out by the State Administrative Court (PTUN) if the services provided cause losses in the field of state administration.

Based on this explanation, it means that the adjudication process by the Ombudsman in resolving public service disputes is only one of several possibilities for resolving public service disputes. This means that the Ombudsman is a supervisory institution for the delivery of public services, and the function of dispute resolution through adjudication is part of the supervisory function itself, and the Ombudsman is not a forum or court institution.

The judicial process that will be held by the Ombudsman has the potential to cause several problems, especially when one sees a decision, similar to a court decision, as the final result in resolving this public service dispute. The problem is how strong is this decision, because the Ombudsman is not a court institution or a court forum like arbitration. The provisions of Article 1 point 7 of the Ombudsman Law stipulate that the results of the Ombudsman's investigation are Recommendations, namely:

"Recommendations are conclusions, opinions and suggestions which are prepared based on the results of the Ombudsman's investigation, to the Reported Party's superior to be carried out and / or followed up in the context of improving the quality of good governance administration."

This shows that the Ombudsman's product in solving problems reported to the Ombudsman (including public service disputes) is not in the form of a "decision" but a "recommendation". Indeed, the Ombudsman's recommendation is "mandatory", as stipulated in Article 38 of the Ombudsman Law which reads:

1. The reported party and the reported supervisor are obliged to implement the Ombudsman's recommendation .
2. The reported supervisor is obliged to submit a report to the Ombudsman regarding the implementation of the recommendation that has been carried out along with the results of the examination within no later than 60 (sixty) days from the date of receipt of the recommendation.
3. The Ombudsman can request information from the reported party and / or his superiors and conduct field checks to ensure the implementation of recommendations.
4. In the event that the reported report and the reported superior do not implement the recommendation or only implement part of the recommendation for reasons that are not acceptable to the Ombudsman, the Ombudsman can publish the reported supervisor who did not implement the recommendation and submit a report to the House of Representatives and the President.

As well as the provisions of Article 39 and Article of the Ombudsman Law which reads:

"The Reported Party and the Reported Party's superior who violate the provisions as referred to in Article 38 paragraph (1), paragraph (2), or paragraph (4) will be subject to administrative sanctions in accordance with the provisions of laws and regulations."

The provision for the imposition of administrative sanctions for parties who ignore the Ombudsman's recommendation, shows that basically the Ombudsman is indeed an institution that can actually carry out its function as a supervisory agency, even though the recommendation is not a decision like a State Administration Decree because the Ombudsman is not an executive institution or State Administration Agency. As stipulated in Article 2 of the Ombudsman Law, which reads:

"The Ombudsman is a state institution that is independent in nature and has no organic relationship with state institutions and other government agencies, and in carrying out its duties and authorities it is free from interference from other powers."

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However, in its implementation, the results of recommendations issued by the Ombudsman depend on the will and willingness of the State Administration that accepts the recommendation. Even though the Ombudsman's recommendation is "mandatory", it does not necessarily have the nature of "final and binding" (*final and binding*) as is the case with the decision from the adjudication process both in court and in arbitration. Moreover, if we relate it to the provision of administrative sanctions for parties who ignore the Ombudsman's recommendation, either the reported himself or the superior of the reported party. Disconnect an adjudication is when viewed as the work of the Ombudsman, certainly worth the same as the recommendation, whereas the law should be different. [20]

CONCLUSIONS

Based on the discussion above, the research could draw the following conclusion, that the Ombudsman is an institution that share the authority to supervise the provision of services public externally, both held by the organization and administration. Which includes things held by the state, enterprises, Legal Entity State and private entities or individuals who are given the task of organizing services public certain part or all of the funds sourced from the budget of the state budget or the budget.

The adjudication process by the Ombudsman in resolving public service disputes is only one of several possibilities for resolving public service disputes. This means that the Ombudsman is a supervisory institution for the implementation of public services, and the settlement function through adjudication is part of the supervisory function itself, not a court institution.

The imposition of administrative sanctions for those who ignore the Ombudsman Recommendation, shows that basically the Ombudsman is an institution that can actually carry out its function as a supervisory agency. However, even though it is "compulsory", it does not necessarily have the character of "final and binding" (*final and binding*) as is the case with decisions from the adjudication process both in court and in arbitration. From the conclusions that the author has conveyed, it shows that the legal strength of the recommendations issued by the Ombudsman of the Republic of Indonesia does not yet have complete binding power, meaning that the reported party may evade the recommendations submitted by the Ombudsman. This is because the ombudsman's decision in the form of giving the Recommendation does not have final and binding force, so it only relies on the willingness or good faith of the reporter to carry out the recommendation.

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