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## Public Complaints to the Ombudsman Regarding Road Infrastructure Based on Law Number 37 of 2008 About Ombudsman of the Republic of Indonesia

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### Abstract

This research aims to examine the function, role and authority of the Ombudsman representative of Lampung Province. The province accepts public complaints under the Ombudsman Law of the Republic of Indonesia No. 37 of 2008. The thing that underlies this research is the alleged maladministration practices carried out by public service officials of Lampung Province regarding road infrastructure that has not been repaired. This research is a field research with a sociological juridical approach. The result of this study indicates that the Ombudsman of Lampung Province has fulfilled his duties and obligations in accordance with Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia. Where all incoming complaints have been received, processed and submitted to the authorities in tackling this problem.

**Keywords:** Law; Ombudsman; Public Complaints.

### 1. INTRODUCTION

In 2008, Law Number 37 of 2008 on the Ombudsman of the Republic of Indonesia was issued, functions and powers of the Ombudsman as described in articles 7 and 8.<sup>1</sup> Although not regulated in the 1945 Constitution, the Ombudsman is regulated in law regarding the legality of its existence. According to the Law on the Ombudsman of the Republic of Indonesia No. 37 of 2008, the Ombudsman is a government agency authorized to supervise the forms of public service provision organized by the state and state executives. These include services organized by state-owned companies (BUMN), regional companies (BUMD) and state-owned legal entities (BHMN),<sup>2</sup> as well as private companies or individuals entrusted with organizing certain public service tasks, which are partially or fully financing from the state budget and/or regional budgets.<sup>3</sup>

The development of the Ombudsman of the Republic of Indonesia is marked by the existence of Ombudsman representatives in all provinces throughout the world. With the existence of Ombudsman representatives in all Indonesian provinces, it is easier for the public to make complaints related to existing problems. With the existence of the Ombudsman in the Provinces in Indonesia, his also makes it easier for the Ombudsman to carry out his duties, functions and powers the community through an extension of the

<sup>1</sup> Zsa Zsa Bangun Pratama, "Kewenangan Ajudikasi Oleh Ombudsman Republik Indonesia Dalam Proses Penyelesaian Sengketa Pelayanan Publik," *Journal Equitable*, Vol. 5, No. 1 (2021): 2, <https://doi.org/10.37859/jeq.v5i1.2467>.

<sup>2</sup> Sukur Suleman and Marno Wance, "Peran Ombudsman Sebagai Lembaga Pengawasan Pelayanan Publik Di Kabupaten Halmahera Selatan Provinsi Maluku Utara," *Jurnal Aristo (Social, Politic, Humaniora)*, Vol. 8, No. 2 (2020): 345, <https://doi.org/10.24269/ars.v8i2.2085>.

<sup>3</sup> Nabila Firstia Izzati, "Ombudsman Sebagai Lembaga Pengawas Pelayanan Publik Di Indonesia," *Journal Sasi*, Vol. 1, No. 26 (2020): 179, <https://doi.org/10.33019/progresif.v1i2.4410>.

Ombudsman in the provinces in Indonesia.<sup>4</sup> The existence of supervisory bodies is one of ways for society to control and balance public services. Accountability is the key to improving the quality of public services, and the government must explain and account to the public openly, fully and fairly.

The public expects the ombudsman to act as a supervisor to ensure that the government's performance is consistent with the social mandate and to avoid mismanagement that may harm the country and society.<sup>5</sup> Supervision of services organized by state and government administration is an important element in efforts to create good governance. Especially related to maladministration issues is still widely found in the wheels of government. With this problem, it makes people not easily trust the government in power in their area.

The community as a user of state facilities, namely with good public services, one of which is road infrastructure and getting good road access. However, in the Lampung Province area, precisely in Sukamaju Village, Natar Subdistrict, South Lampung Regency, for many years there are still damaged roads and the damage is getting worse and there is no repair of the road damage. Especially if it rains heavily and there is no drainage that serves to control the overflow of rainwater on the road surface so that the road construction is not damaged. But what happened was that the road in Lampung Province, Sukamaju Village, Natar Subdistrict, South Lampung Regency, turned into a puddle with large holes and was difficult for vehicles to pass through. In addition, damaged roads can be one of the causes of traffic accidents for motorists. Whereas roads are the most important access to the most fundamental infrastructure facilities and infrastructure needed by the community. In the context of economic growth in each region, especially in the Lampung Province area, Sukamaju Village, Natar District, South Lampung Regency itself. Therefore, the existence of road infrastructure has a very important role and function for the needs of the community. Local governments have power in their regions and have the authority to be responsible for solving these problems. This power needs to be monitored by the community and organs outside the government. Which can guard and supervise every government action so that maladministration can be avoided.<sup>6</sup> The role of the Ombudsman is needed in this problem.

As such, this journal is inseparable from previous studies that are similar and have been studied first, such as, first, research conducted by Utha has explained a lot about how

<sup>4</sup> Henni Muchtar Puput Mia Anjela, "Peran Ombudsman RI Perwakilan Sumatera Barat Sebagai Pengawas Bidang Pendidikan Studi Kasus Maladministrasi Pelayan Pendidikan Di Kota Padang Tahun 2019)," *Journal of Civic Education*, 17, 3, No. 3 (2020): 441–442, <https://doi.org/https://doi.org/10.24036/jce.v3i4.428>.

<sup>5</sup> Andi Setyo Pambudi dan Rahmat Hidayat, "Kinerja Pelaksanaan Pelayanan Publik Dalam Prioritas Nasional," *Jurnal Bappenas Working Papers*, Vol. 2, No. 5 (2022): 271, <https://doi.org/10.47266/bwp.v5i2.131>.

<sup>6</sup> Ardhita Al Meida Putri, "Tinjauan Fiqh Siyāṣah Terhadap Tugas Dan Wewenang Ombudsman Republik Indonesia Perwakilan Provinsi Lampung Terkait Pengaduan Masyarakat Mengenai Infrastruktur Jalan Berdasarkan Undang-Undang Nomor 37 Tahun 2008 Tentang Ombudsman Republik Indonesia (Studi " Universitas Islam Negeri Raden Intan Lampung, 2023), 8–10.

the Supervisory function of the Ombudsman RI representative of Southeast Sulawesi on services at the Kendari-Langara Ferry Port.<sup>7</sup>

Second, research conducted by Sugiarto has described many maladministration practices found in the 2023 Central Java PPDB and the effectiveness of the handling of the 2023 Central Java PPDB conducted by the Ombudsman of the Republic of Indonesia representative of Central Java.<sup>8</sup>

Third, research conducted by Kusuma which has described many forms of public service maladministration reports in Padang City, the role of the Ombudsman RI representative of West Sumatra in preventing maladministration, the obstacles faced by the Ombudsman RI representative of West Sumatra in preventing public service maladministration in Padang City and efforts to overcome the obstacles faced by the Ombudsman RI representative of West Sumatra in preventing public service maladministration in Padang City.<sup>9</sup>

Fourth, research conducted by Hergiansyah which has described a lot about the existence of the Ombudsman RI representative of West Sumatra Province in preventing maladministration and optimizing the role of the Ombudsman RI representative of West Sumatra Province in preventing maladministration.<sup>10</sup>

Based on the four relevant previous studies above regarding the Ombudsman, none of them discuss public complaints to the Ombudsman regarding damaged road infrastructure that has not been repaired due to alleged maladministration practices. However, based on the relevant previous research above related to the Ombudsman, it is stated that the role of the Ombudsman to the community is very good in its service which accepts all existing complaints and is conveyed to those who have authority regarding this matter. The existence of the Ombudsman in receiving all existing reports from the public, encourages the public to make complaints about things that are felt to be detrimental to the community and the existence of the Ombudsman is the foremost handling in addressing existing reports from the public.

In responding to public reports, the Ombudsman of the Republic of Indonesia, representative of Lampung Province, as a supervisory institution as regulated in Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia in carrying

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<sup>7</sup> Arifin Utha et al., "Cegah Maladministrasi: Fungsi Pengawasan Ombudsman Sulawesi Tenggara Di Kabupaten Feri Kendari-Langara," *Journal Publicho*, Vol. 7, No. 2 (2024): 790–801, <https://doi.org/10.35817/publicuho.v7i2.435>.

<sup>8</sup> Laga Sugiarto et al., "Analisis Efektivitas Kinerja Ombudsman RI Perwakilan Jateng Dalam Penanganan Dugaan Maladministrasi PPDB 2023," *Jurnal Jatiswara*, Vol. 39, No. 1 (2024): 95–109, <https://doi.org/10.29303/jtsw.v39i1.603>.

<sup>9</sup> Doddie Arya Kusuma and Fonny Andikia, "Peran Ombudsman Republik Indonesia Perwakilan Sumatera Barat Dalam Pencegahan Maladministrasi Pelayanan Publik Di Kota Padang," *Journal of Social and Economics Research*, Vol. 3, No. 1 (2021): 21–29, <https://doi.org/10.54783/jser.v3i1.21>.

<sup>10</sup> Hergiansyah, Syafirman, and Rizki Syafri, "Eksistensi Ombudsman RI Perwakilan Sumatera Barat Dalam Pencegahan Maladministrasi Sebagai Bentuk Pengawasan Terhadap Penyelenggaraan Pelayanan Publik," *Astifer: Jurnal Pendidikan, Bahasa, Sastra, Seni, Budaya, Dan Sosial Humaniora*, Vol. 2, No. 3 (2024): 91–101, <https://doi.org/10.59024/atmosfer.v2i3.881>.

out its duties, functions and authorities must synergize in efforts to prevent, collect, handle and resolve existing maladministration practices on reports from the public.

## 2. METHOD

In this writing using the type of field research (field riseach), namely, research conducted directly into the field to examine the social life that exists in the community<sup>11</sup> which is used as the object of research with normative and empirical approaches (juridical-sociological).<sup>12</sup> The data sources of this research are primary and secondary data sources whose data are obtained by conducting interviews the subject of this investigation is the mandate and powers of the Ombudsman of the Republic of Indonesia, Lampung Province, Sukamaju Village, Natar District, South Lampung Agency regarding public complaints to the Ombudsman regarding road infrastructure based on Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia.<sup>13</sup> The nature of this research is descriptive analysis<sup>14</sup> is a research method that examines an object that aims to provide a description, description or painting systematically and objectively about the facts, properties, characteristics, and relationships between existing elements and certain phenomena. The data collection technique in this study uses two methods, namely observation, this observation method is used for data collection by direct review of the field or location to be studied and interviews, data collection techniques by asking questions verbally between two or more people directly. The data analysis method used uses a deductive method that draws conclusions from the general particular.

## 3. RESULTS AND DISCUSSION

### 3.1 Tasks, Authority, Functions and Objectives of the Ombudsman of the Republic of Indonesia

Governed by Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia. The duties of the Ombudsman are: a. receiving reports on allegations of mismanagement of public services, b. conducting content checks on the reports, c. follow-up on reports within the purview of the Ombudsman, d. conducting proactive investigations, e. conduct proactive investigations into allegations of mismanagement in the provision of public services, such as: coordinating and cooperating with national agencies or other government bodies and the community organizations and individuals, f. establishing networks, g. establishing working networks, h. working to prevent mismanagement in the delivery of public services, h. performing other duties prescribed by law.<sup>15</sup>

<sup>11</sup> Andi Marlina et al., "Akses Keadilan Yang Tidak Sampai: Studi Kajian Bantuan Hukum Bagi Masyarakat Miskin," *Jurnal Usm Law Review*, Vol. 7, No. 2 (2024): 543, <https://doi.org/10.26623/julr.v7i2.8668>.

<sup>12</sup> Rifdah Rifdah, "Praktik Talak Pada Masyarakat Bangka Belitung Perspektif Fiqh Dan Hukum Positiif," *Jurnal Ius Constituendum*, Vol. 7, No. 2 (2022): 265, <https://doi.org/10.26623/jic.v7i2.5335>.

<sup>13</sup> Komis Simanjatak et al., "Peran Jaksa Dalam Pelaksanaan Diversi Terhadap Pidana Anak," *Jurnal Ius Constituendum*, Vol. 7, No. 2 (2022): 353, <https://doi.org/10.26623/jic.v7i2.5677>.

<sup>14</sup> Mastur Mastur and Feri Irawan, "Dampak Putusan Mahkamah Konstitusi Nomor 91 / PUU-XVIII / 2020 Tentang Pengujian Undang-Undang Cipta Kerja Terkait Inkonstitusional Bersyarat Ketidaksihronan Berbagai Macam Peraturan Perundang-Undangan Yang Ada Di Indonesia Menurut Majelis Hakim Konstitu," *Jurnal USM Law Review*, Vol. 6, No. 2 (2023): 1298, <https://doi.org/http://dx.doi.org/10.26623/julr.v6i3.8044>.

<sup>15</sup> Pasal 7 Undang-Undang Republik Indonesia Nomor 37 Tahun 2008 Tentang Ombudsman Indonesia.

Request explanations and/or copies or photocopies of required documents from the agency or reporting party using the reporting documents, a. summarizing the reporter, reported party and other parties related to the report, b. resolving the report through mediation and conciliation at the request of the parties, c. making recommendations regarding the settlement to request compensation and/or rehabilitation to the party in doubt, d. in the public interest producing findings, conclusion and recommendations.<sup>16</sup> Apart from the eight powers of the Ombudsman there are other powers as found in Article 8 paragraph (2) as follows: a. submitting suggestions to the president, head of the region, or other leaders of State administrators for the improvement and improvement of public service organizations and/or procedures, b. submitting suggestions to the people's representative council (DPR) and/or regional chairperson people's representative council (DPRD) and/or regional heads in order to take action changes in the framework of preventing maladministration.<sup>17</sup>

The Ombudsman is tasked with monitoring the implementation of public services organized by state and government administration at central and regional levels, including public services organized by state-owned companies (BUMN), regional companies (BUMD) and state-owned legal entities (BHMN),<sup>18</sup> as well as private companies or individuals entrusted with organizing certain public service tasks in accordance with current regulations.<sup>19</sup> As mentioned above, in terms of duties, powers and functions, the office of the Ombudsman also aims to exist as a state-owned Ombudsman Office, article 4 of Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia explains this as follows: To achieve a more democratic, fairer and more prosperous constitutional state, b. To promote effective and efficient management of the state and government, honest, open, clean, without corruption, collusion and nepotism, c. To improve the quality of government services in areas so that every citizen and resident has a sense of justice, security, happiness.<sup>42</sup> The duties, powers and functions of the Ombudsman as stipulated in Law No. 37 of 2008 are legally binding. In the performance of their duties and functions, the Ombudsman must follow the guidance of Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia. Article 7 states that the duties of the Ombudsman must be performed in the best possible manner.<sup>20</sup> In the interest of society, the state, individuals, groups or bodies. The Office of the Ombudsman shall be free from institutional influence, interference and power in the performance of its tasks and powers. The scope and authority of the Office of the Ombudsman itself monitors the implementation of public services so that the community, without exception, receives the highest level of public services.

<sup>16</sup> Pasal 8 Undang-Undang No. 37 Tahun 2008 Tentang Ombudsman Republik Indonesia.

<sup>17</sup> Pasal 8 Ayat (2) Undang-Undang Nomor 37 Tahun 2008 Tentang Ombudsman Republik Indonesia.

<sup>18</sup> Adam Setiawan, "Pelaksanaan Fungsi Rekomendasi Ombudsman Republik Indonesia Terhadap Kepala Daerah," *Jurnal Veritas et Justitia*, Vol. 6, No. 2 (2020): 276, <https://doi.org/10.25123/vej.3657>.

<sup>19</sup> Pasal 6 Undang-Undang No. 37 Tahun 2008 Tentang Ombudsman Republik Indonesia.

<sup>20</sup> Fakhrianoor Sitna Hajar Malawat, "Analisis Pengawasan Pelanggaran Publik Oleh Ombudsman Republik Indonesia Di Kota Banjarmasin," *Jurnal As Siyasa*, Vol. 5, No. 2 (2020): 75, <http://dx.doi.org/10.31602/as.v5i2.3561>.

### 3.2 Mechanism for Handling Public Complaints to the Ombudsman Related to Road Infrastructure Representative of Lampung Province

The Ombudsman of the Republic of Indonesia representative of Lampung is one of the provincial representatives that have been established by the Ombudsman institution of the Republic of Indonesia. The establishment of Ombudsman institutions at the provincial level is based on the needs of the community not just the needs of the Law. In order to make it easier for the public to report cases of maladministration in the implementation of public services organized by the state. The Ombudsman Institution of the Republic of Indonesia representative of Lampung Province was established in 2012, precisely in October. For the location of its own office, the Lampung Representative Ombudsman is located in Bandar Lampung City. This Ombudsman Institution is the only institution that supervises and handles public reports on maladministration in public services within the Lampung Region.<sup>21</sup>

Ombudsman of the Republic of Indonesia Representative of Lampung is one of the provincial representatives that have been established by the Ombudsman Institution of the Republic of Indonesia. The establishment of Ombudsman institutions at the provincial level is based on the needs of the community not just the needs of the Law. It will facilitate the public to report cases of administrative misconduct in the implementation of national public services. For the benefit of the community, the Ombudsman of the Republic of Indonesia Representative of Lampung is present to carry out its duties and authorities. Article 3 paragraph 1 of Government Regulation of the Republic of Indonesia Number 21 of 2011 states that the establishment of representatives of the Ombudsman Institution is based on a feasibility study carried out by the Ombudsman by taking into account the effectiveness, workload, efficiency and availability of the number of resources in each region. Keeping up with the high demands of the community for the quality of public services requires the state to be more concerned about meeting the needs of the community for excellent public services, without maladministration, arbitrary and also discriminating.<sup>22</sup>

The establishment of Lampung Representative Ombudsman Institution was established through Law No. 37 of 2008 in Article 5 paragraph 2 regarding the layout of the position and work procedures of the Ombudsman institution in the Lampung region, which is great hope. With the existence of the Lampung Representative Ombudsman institution, the implementation of public services in the Lampung region can be even better. The Lampung representative of the Ombudsman of the Republic of Indonesia is chaired by Nur Rakhman Yusuf, who is commonly referred to as the head of representation. In carrying out its duties and authorities, the Head of Lampung Province Ombudsman Representative is assisted by a team of twelve assistants, then a secretarial

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<sup>21</sup> Putri, "Tinjauan Fiqh Siyāsah Terhadap Tugas Dan Wewenang Ombudsman Republik Indonesia Perwakilan Provinsi Lampung Terkait Pengaduan Masyarakat Mengenai Infrastruktur Jalan Berdasarkan Undang-Undang Nomor 37 Tahun 2008 Tentang Ombudsman Republik Indonesia (Studi ada Kantor Ombudsman Perwakilan Provinsi Lampung)," 88.

<sup>22</sup> Putri, 92.

team consisting of ten people consisting of four state civil servants and six people who work as support staff (namely two security guards, two people being cleaning staff, one person serving as a cleaner and one person serving as a driver). Initially the Ombudsman of the Republic of Indonesia Representative of Lampung Province was located in the Pahoman District of Bandar Lampung, namely on Jl. Way Semangka number 16a. then now moved to the address Jl. Cut Mutia No. 137, Teluk Betung District, precisely in Teaching Village.

Complaints made by the community to the Ombudsman representative of Lampung Province about damaged roads that have not been repaired are expressed in the following interview:

According to Suparti, the community has tried to convey their complaints to the local government regarding the damaged roads in Sukamaju Village, Natar Subdistrict, South Lampung Regency, Lampung Province, by making a report addressed to the PUPR Office, but the community's complaints were not heard at all. The community does not know what caused the road in Sukamaju Village, Natar Subdistrict, South Lampung Regency, Lampung Province, to be damaged for months or even years. It becomes difficult to work, to do any activity if the road is not repaired. This is a complaint from the local community related to the problem of damaged roads that have not been repaired.

The condition of the road in Sukamaju Village, Natar Sub-district, South Lampung District was also explained by Febri Panca Winda Sari (community member) that the condition is very bad. The road has big holes. Very dangerous for the community, especially children. Damaged roads can cause accidents and fatalities. Thankfully, to date, there have been no fatalities from the damaged road. As residents, we urge children and newcomers to be careful when crossing this damaged road.<sup>23</sup>

In the implementation of the complaint mechanism carried out by the community of Sukamaju Village, Natar District, South Lampung Regency, Lampung Province related to alleged maladministration practices carried out by the local government, the Ombudsman handled the complaint as explained in an interview by the Ombudsman employee himself as follows:

The mechanism in dealing with complaints or public reports about road infrastructure according to Atika Mutiara Oktakevina as a member of the Report Examination Assistantship that we emphasize that the Ombudsman's job is not to solve problems, but we are here to supervise. This supervision consists of two things, the first is the settlement of public reports and the second is prevention in the form of supervision. The first thing the Ombudsman does in the form of resolving reports is receiving complaints or reports to the public, after the report is received and verified. The purpose of verification is to know whether or not the data is correct, such as whether or not there is legal standing as a reporter, if there is then we accept and conduct an examination.

Several things in examining the report as explained by Atika Mutiara Oktakevina that in the examination there are four stages that must be carried out. The first stage is

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<sup>23</sup> Febri Panca Wulan Sari (Masyarakat), "Pendapat Masyarakat Terkait Infrastruktur Jalan Yang Rusak Di Desa Sukamaju Kecamatan Natar Kabupaten Lampung Selatan," *Wawancara*, 29 September 2024.

examining documents and regulations, <sup>1</sup> the second stage is conducting a field inspection, the third stage is examining the reporter's statement, and the last stage is examining the statements of related parties. If everything has been examined, it can later become a conclusion, which is contained in the final research report (LAHP). From this LAHP, the elaboration will be seen again. In the description of the conclusion there are three things, the first, the absence of maladministration. If there is no maladministration, then the report is closed. This means that the maladministration is not found based on the results of the examination, then we just tell the reporter about the results and what was done was in accordance with the provisions. Second, the result is that there is maladministration but it has been resolved by the parties involved. Third, there is maladministration but it has not been resolved. With this, corrective action is taken in the LAHP. This action is like giving advice from the Ombudsman. The Ombudsman also always prioritizes clarification or tabayyun. Because the Ombudsman after getting a report from the public, we first confirm whether it is true or not (there must be evidence), we juxtapose their evidence with the laws and regulations, then conclude.<sup>24</sup>

Efforts to minimize maladministration in an agency According to Tegar Adiwijaya, to build a work network, it was explained that we coordinate with multi-stakeholders. The Ombudsman has a red, yellow, green zone compliance assessment work program. We see whether each agency has service standards for every service they provide. The service standard is the benchmark, so every service room, for example, a person wants to apply for road repair, the PUPR agency or office should have informed, people who will apply for road repair, this requirement, this mechanism, how long the period is, it is already a form of prevention. So, that is a form of maladministration that has not yet occurred. The Ombudsman also makes prevention efforts through compliance surveys on public service delivery. The compliance survey is to see whether the service standards have been posted or not. The point is when people want to access more easily and it can reduce the potential for maladministration in it.

The Ombudsman's procedure for handling public reports related to road infrastructure whose complaints are still damaged, according to Tegar Adiwijaya, is the same as previously explained. We ask them for data about damaged roads to enter into the order of complaints that have been entered. Because there are three qualifications for road conditions. One, the road is lightly damaged. Second, ordinary damage or potholes. And third, severely damaged. For example, there is a case where this road is severely damaged but has not been budgeted for. Because it was badly damaged, it was budgeted for next year. Later a letter is made, written by them that this road is budgeted for next year, for example in 2024. So, the case was closed by the Ombudsman. But it turns out that in the next year the road has not been repaired, the case is re-entered at the Ombudsman because there is no repair as budgeted. So the Ombudsman took another role in this problem.

Burhan, a member of the report examination assistantship, explained the data on roads that have been damaged over the years, whether they have not been touched at all or

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<sup>24</sup> <sup>10</sup> Atika Mutiara Oktakevina (Anggota Keasistenan Pemeriksaan Laporan), "Efektivitas Pelaksanaan Ombudsman Dalam Menangani Pengaduan Masyarakat," *Wawancara*, 29 September 2023.

have been repaired but damaged again. He explained that the roads had been damaged for a long time and had not been repaired so the roads were even worse. In the data for 2022, the average road is damaged but there has been construction including the Rumbia road for this year. However, this year there is also something that has been handled, but it has not been completed and the road has not previously been developed. Now it is being repaired. There are obstacles or constraints in repairing the road. According to Muhammad Burhan, the obstacle when visiting local governments is actually the problem of funds. Because there are many roads that are already damaged, they must first choose which roads should be repaired first with the existing budget and which roads should be repaired with the next budget. Therefore, the roads that were repaired were those that had already received a budget for repairing damaged roads. However, the issue of budget constraints is also juxtaposed with the number of damaged roads. Often local governments do not keep regular records or perhaps do not use data to choose which roads should be built first. And in fact, even though the road has been damaged for a long time, many people want the road to be repaired but later it will also clash with various existing interests.

The budgeted funding allocation is contained in the draft local government budget (RAPD). Muhammad Burhan said that the RAPBD does not only talk about road infrastructure, but everything from health, education, and others. The budgeting of the RAPBD is divided for each section. Although road infrastructure has been budgeted for if the number of damaged roads is greater, the budget is still insufficient for all damaged roads. In addition, the government may choose to repair other roads, because there may not be many requests in the area and it may not be a priority. So the Ombudsman's job will be to ask about the roads that must be repaired and that's what we explored at the Public Works Office of Housing and Settlement Areas (PUPR).<sup>25</sup>

As has been explained from the results of interviews with the community of Sukamaju Village, Natar District, South Lampung Regency and the Ombudsman Institution of Lampung Province Representative, the mechanism for handling complaints made by the local community has been handled and accommodated by the Ombudsman to verify the validity of the data. It was also mentioned that all incoming complaints have been submitted to the party responsible for the public service, but what must be underlined here is the number of incoming reports regarding public services, one of which is about damaged road infrastructure. The local government has a priority to prioritize, because it is not only dealing with road infrastructure but much more than that.

### **3.3 Implementation of Handling Public Complaints to the Ombudsman Representative of Lampung Province Regarding Road Infrastructure**

The definition of the Ombudsman is contained in Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia. It is a state institution that is authorized to supervise the implementation of public services organized by state and government

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<sup>25</sup> Muhammad Burhan (Anggota Keasistenan Pemeriksaan Laporan), "Infrastruktur Jalan Yang Rusak Di Provinsi Lampung," *Wawancara*, 29 September 2023.

officials,<sup>26</sup> including public services organized by state-owned companies, regional companies and state-owned legal entities, as well as private companies or individuals. Their task is to organize certain public services, which are partially or fully funded from the state revenue and expenditure budget and/or regional revenue and expenditure budget.<sup>27</sup>

A state institution is created to carry out certain tasks and functions that become a measure of the existence of state institutions in society. The Ombudsman Institution is a state institution that was originally born from the transformation of the notion of a democratic rule of law to a responsible rule of law. The transformation occurred because to develop citizens and residents who are now more dependent on the government than before then during the 20th century the development and growth of bureaucratic institutions collectively, individually which is able to create an imbalance in the relationship between weak citizens and strong state institutions, therefore it is easy to abuse authority by the government against the community. And the position of the Ombudsman as a public service oversight institution is very important.<sup>28</sup> According to Article 1(1) of the Public Service Law No. 25 of 2009, public services are activities or a set of activities aimed at meeting the service needs of all citizens and residents for goods, services and/or administrative services provided by public service providers in accordance with the provisions of the law.<sup>29</sup>

The condition of the damaged road that occurred on the road in Sukamaju Village, Natar Subdistrict, South Lampung Regency, that the road in Sukamaju Village, Natar Subdistrict, the Ombudsman saw that the road was indeed badly damaged, and also did not know for sure what the beginning was like. But, if you look at the condition of the road like that, it should have been feasible from year to year to be repaired before the report to the Ombudsman about the damaged road. However, after investigation, the road in Sukamaju Village, Natar Subdistrict, South Lampung Regency was found to have allegations of maladministration, namely not providing services by the Public Works and Public Housing Office of South Lampung Regency in the form of repairing the Sukamaju Village Labor Intensive Road, Natar Subdistrict, South Lampung Regency.<sup>30</sup>

As we know that roads are the most important infrastructure facilities as the needs of the community in carrying out their activities. Therefore, roads have a major function in every place for the progress of national development and regional development. The government as a public service provider must be able to provide good services to the community, especially in providing road infrastructure progress that can be used and is

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<sup>26</sup> Setiawan, "Pelaksanaan Fungsi Rekomendasi Ombudsman Republik Indonesia Terhadap Kepala Daerah," 276.

<sup>27</sup> Nurwaqiah Ismail, "Efektivitas Ombudsman Republik Indonesia Perwakilan Sulawesi Selatan Dalam Menangani Administrasi Di Tengah Pandemi Covid-19" (Universitas Islam Negeri Alauddin Makassar, 2021), 22.

<sup>28</sup> Tim Penyusunan Buku Ombudsman Republik Indonesia, *Ombudsprudensi* (Jakarta: Ombudsman Republik Indonesia, 2009), 9-13.

<sup>29</sup> Rani Wardaniah, "Kritik Terhadap Pelayanan Publik Pemerintah Daerah Di Indonesia," *Jurnal Administrasi Negara Universitas Putera Batam*, Vol. 6, No. 1 (2022): 2, <https://doi.org/10.33884/dialektikapublik.v6i1.5491>.

<sup>30</sup> Muhammad Burhan (Anggota Keasistenan Pemeriksaan Laporan), "Jalan Rusak Di Ruas Jalan Padat Karya Desa Sukamaju Kecamatan Natar Kabupaten Lampung Selatan," *Wawancara*, 29 September 2023.

suitable for the benefit of the community. The importance of public organizers must provide efforts to improve the quality and ensure the provision of public services in accordance with the general principles of government.<sup>31</sup>

The existence of maladministration practices carried out by the local government related to damaged road infrastructure that has not been repaired has caused the purpose of repairing roads in Sukamaju Village, Natar District, South Lampung Regency to be less than optimal, causing dissatisfaction and losses in the community both material and immaterial.<sup>32</sup> Communities that receive form of public service have the right to convey their aspirations regarding damaged roads that have not been repaired by the local government as their obligations and do not provide good service as they should. With this problem, the community has the right to make a complaint to the Ombudsman Institution for dissatisfaction with the services provided by the local government. This is because the Ombudsman is a state institution with the power to supervise the implementation of public services, and the supervisory body is regulated by Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia.<sup>33</sup>

The Ombudsman of the Republic of Indonesia is the representative of Lampung Province and is responsible for receiving public complaints about maladministration in the implementation of public services according to Article 7 of Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia.<sup>34</sup> According to Article 8 of Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia, the Ombudsman has the power to monitor the implementation of public services.<sup>35</sup>

The implementation of public services to every government agency in Lampung Province, one of which is so alarming that it attracts a lot of attention from various parties from the central government and the community to take part is in terms of road infrastructure issues in Lampung Province. A lot of damaged and potholed roads in each region are a serious problem and in terms of implementation, supervision is needed by various parties, one of them is the supervision by the Ombudsman of Lampung Province on behalf of the Republic of Indonesia.

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<sup>31</sup> Kevy Listiana Fransiska Taneo, Yohanes G. Tubahelan, and Kotan Y. Stefanus, "Pelaksanaan Fungsi Pelayanan Ombudsman Nusa Tenggara Timur Dalam Mewujudkan Pelayanan Publik Yang Prima," *Jurnal Jatiswara* Vol. 34, No. 3 (2019): 310, <https://doi.org/https://doi.org/10.29303/jtsw.v34i3.221>.

<sup>32</sup> Nayla Magisterani Faatihah et al., "Upaya Tindakan Korektif Sebagai Bentuk Responsivitas Prosedur Dalam Menyelesaikan Maladministrasi Ombudsman," *Jurnal Qistie*, Vol. 16, No. 2 (2023): 222, <https://doi.org/https://doi.org/10.31942/jqi.v16i2.9732>.

<sup>33</sup> Sri Nur Hari Susanto dan Dyah Swastika, "Peran Ombudsman Republik Indonesia Perwakilan Provinsi Jawa Tengah dalam Penyelesaian Pengaduan Pelayanan Publik Bidang Pendidikan," *Administrative Law & Governance Journal*, Vol. 5, No. 1 (2022): 27, <https://doi.org/10.14710/alj.v5i1.21-38>.

<sup>34</sup> Febry Renaldi and M. Khoirul Anwar, "Strategi Ombudsman Republik Indonesia Dalam Mensosialisasikan kepada Masyarakat," *Pentahelix: Jurnal Administrasi Publik*, Vol. 1, No. 2 (2023): 117, <https://doi.org/10.24853/penta.1.2.115-124>.

<sup>35</sup> Usman Jafar dan Muhammad Anisa Nurkhatimah, "Kedudukan Dan Peran Ombudsman Dalam Mengawasi Penyelenggaraan Pelayanan Publik (Tela'ah Fiqh Siyasa)," *Siyasatuna: Jurnal Ilmiah Mahasiswa Siyasa Syar'iyah*, Vol. 2, No. 3 (2021): 587.

The implementation of public services, namely on the issue of road infrastructure, precisely in Sukamaju Village, Natar District, South Lampung Regency, there are allegations of maladministration, namely the form of maladministration related to not handling or not providing services to the community. In order to respond to complaints obtained from the community on public service violations that have been committed, the Ombudsman has several ways, namely mediation/conciliation, adjudication, and recommendations. The Ombudsman conducts mediation/conciliation to obtain an agreement between the parties. In addition to receiving public reports, the Ombudsman can also carry out on its own initiative which then results in recommendations or suggestions.<sup>36</sup>

The Ombudsman, as a supervisory body for public service providers, performs its duties to support good governance by receiving reports/complaints from any Indonesian citizen or resident regarding suspected maladministration by government agencies.<sup>37</sup> Therefore, the establishment of the Ombudsman representative can facilitate the performance of functions, responsibilities and powers of the Ombudsman Representative throughout the Republic of Indonesia, as the Ombudsman Representative is an extension of the Ombudsman Center and has a hierarchical relationship with the Center.<sup>38</sup>

Explicitly, the Ombudsman institution is absolutely not an institution that can impose sanctions, but an institution that is only limited to providing advice to the reported party (state organizer) in order to improve its performance. If the recommendations made are not properly implemented, the Ombudsman can only instruct his superiors or the President and the Council of People's Representatives (DPR) to take action.<sup>39</sup>

#### 4. CONCLUSION

The Ombudsman of the Republic of Indonesia representative of Lampung Province has the authority and duties as regulated in Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, among others, as a supervisor in the implementation of public services carried out by the government to the community in order to provide and create effective and efficient public services in accordance with the interests of the community and carry out its duties by receiving reports or complaints from every Indonesian citizen or resident against alleged maladministration by central and regional state administrators. In order to carry out the implementation of complaints made by the community to the Ombudsman representative of Lampung Province, all incoming complaints related to alleged maladministration by the local government have been

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<sup>36</sup> Nurul Alifia Risky and Nida Handayani, "Penanganan Pengaduan Masyarakat Dalam Pelayanan Agraria Di Ombudsman publik Indonesia (Ori) Perwakilan Jakarta Raya," *Pentahelix: Jurnal Administrasi Publik*, Vol. 1, No. 2 (2023): 133, <https://doi.org/10.4553/penta.1.2.125-142>.

<sup>37</sup> Santi Mandasari, Reno Hanggara, and Firzhal Arzhi Jiwantara, "Konsep Maladministrasi Dalam Tindakan Korupsi," *Jurnal Penelitian Multidisiplin* Vol. 1, No. 6 (2023): 13, <https://doi.org/https://doi.org/10.55681/armada.v1i6.614>.

<sup>38</sup> Henni Muchtar Puput Mia Anjela, "Peran Ombudsman RI Perwakilan Sumatera Barat Sebagai Pengawas Bidang Pendidikan Studi Kasus Maladministrasi Pelayanan Pendidikan Di Kota Padang Tahun 2019)," *Journal of Civic Education*, Vol. 3, No. 3 (2020): 440–449, <http://dx.doi.org/10.24036/jce.v3i4.428>.

<sup>39</sup> Nuji, "Kekuatan Hukum Rekomendasi Ombudsman Sebagai Bentuk Pengawasan Terhadap Pelayanan Publik," *Jurnal Jatiswara*, Vol. 36, No. 2 (2021): 214, <https://doi.org/https://doi.org/10.29303/jtsw.v36i2.314>.

handled and accepted, because their demands for repairing damaged roads have no action from the government. After the report made by the Ombudsman to the local government, it was stated that, in handling public services to the community, it is seen from the priority scale first. The existence of this priority scale makes the government have to choose which one will be handled immediately or handled later, considering the funding needs that will be needed as well.

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