

## Komisi Ombudsman Nasional: evaluasi terhadap formasi dan implementasi kebijakan pembentukan Komisi Ombudsman Nasional (Keputusan Presiden Nomor 44 tahun 2000)

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### Abstrak

One of important issues that currently raised by Indonesian people is how they can obtain good service from government apparatus. An effort has been conducted by the Indonesian President to provide people good public services by issuing Presidential Decree Number 44 Year 2000 on the National Ombudsman Commission. The establishment of this commission is aimed to create conducive situation for people and to empower them in combating corruption, collusion, and nepotism, popularly known as "KKN". Likewise, it is aimed to give people more protection in having better access to public services, justice, and welfare.

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The research in this dissertation has a main goal to make an evaluation of the formation and the implementation of the Presidential Decree Number 44 Year 2000. It further explains the socialization of its formation and implementation, and the further recommendation of the Ombudsman to the conflicting parties. Significantly, the result of this research demonstrates that the implementation is bad and inadequate. Such poor condition has been proved by a continuing decrease of complaints to the Commission. Meanwhile, the follow-up of the recommendation by government institutions tends to insignificantly increase.

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More importantly, according to this research, the bad and the adequate implementation is caused by the bad process of the formation of the Commission. It is further found in the research that in the process of its formation, the President did not involve people as the stakeholder. For this reason, the substance of the Presidential Decree was so blurred, and has furthermore resulted in creating confusion and uncertainty on the Ombudsman's role.

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Aside from its bad process of formation, the research said that there is also a problem in relation to the implementation, which must be immediately overcome. This problem develops from the main public policy maker in the country, or the President, who has not yet given sufficient attention to that implementation. Moreover, other parties, largely government institutions, as part of the executive power, have not yet shown their great commitment and response to the implementation, for example, in the matters of immunity rights, double occupations, and health requirements. Subsequently, legal base, lack of budget, and problem in communication have contributed more to the bad implementation. More interestingly, it is said in this dissertation that although the socialization on the role and function of the Commission has been maximally introduced, its effect is still insignificant, due to a limited budget and low profile approach.

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Finally, the result of the research of this dissertation has given some recommendations, as follows:

1. In short-term: it becomes urgent to provide a permanent building or office for the National Ombudsman Commission. Meanwhile, it is necessary too for the Ombudsman to organize weekly meeting in its office;

2. In long-term: to enable the Ombudsman to effectively implement its role, task, and functions, the formation of a law on the National Ombudsman Commission is a must. Different from the Presidential Decree mentioned above, such a kind of law must stipulate the salary the Ombudsman, which must be made equal with the salary of other public officials. It must also mention the prohibition for having double occupations, and include a provision on health requirement. Meanwhile, the budget for the activities of the National Ombudsman Commission should be separated from the budget of the State Secretariat;
3. It is important to encourage the formation of Ombudsman Commission in the regions of the country;
4. Recommendations made by the Ombudsman should be sent also to the national Parliament, or the House of Representatives (DPR), which can be raised as crucial issues to be discussed by Members of Parliament in performing their supervisory function;
5. To help the Ombudsman effectively implement its role, all government institutions have to make they own Standard of Procedures (SOPs);
6. Last but not least, the Commission must change its low profile approach with a high profile one, so that it will be more respectable amongst other state institutions.</i>