

The Ombudsman of Indonesia's Own-Initiative Investigations in State Administrative Law and Horizontal Accountability

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Article	Abstract
<p>How to cite: Riska Jenni Astriani, et al., 'The Ombudsman of Indonesia's Own-Initiative Investigations in State Administrative Law and Horizontal Accountability' (2026) Vol. 7 No. 1 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p>DOI: 10.35719/rch.v7i1.419</p> <p>Article History: Submitted: 11/01/2026 Reviewed: 15/02/2026 Revised: 15/03/2026 Accepted: 23/003/2026</p> <p>ISSN: 2723-0406 (printed) E-ISSN: 2775-5304 (online)</p>	<p>Own Initiative Investigation (IAPS) is a constitutional authority of Indonesia's Ombudsman based on Law No. 37/2008 as a proactive public service oversight mechanism. However, its implementation remains low, including in Ombudsman RI Bengkulu Representative which has only conducted 1 IAPS since 2025 despite a 7,1% increase in maladministration cases. This study analyzes IAPS practice from an administrative law perspective as a manifestation of proactive horizontal accountability based on Mark Bovens' theory. Descriptive qualitative research with juridical-empirical approach. Data collected through in-depth interviews with 6 key informants, observations, and legal documentation studies. Analysis uses Miles & Huberman model with Bovens' public accountability framework. IAPS practice in Bengkulu Representative meets formal legality criteria but faces operational constraints in fulfilling Bovens' effective accountability criteria, particularly: (1) Independence constrained by coordination with reported institutions; (2) Transparency limited to LHI publication; (3) Evidence credibility depends on investigator competence; (4) Recommendation consequences weak due to lack of binding sanctions. Juridically, IAPS has strong constitutional legitimacy but its effectiveness is hampered by absence of administrative sanctions for institutions failing to follow up recommendations. IAPS as proactive horizontal accountability instrument requires strengthening of derivative regulations providing stronger binding power to Ombudsman recommendations, including administrative sanctions for non-compliant institutions.</p> <p>Keywords: <i>Own Initiative Investigation, Ombudsman, Horizontal Accountability, Administrative Law.</i></p> <p>Abstrak Investigasi Atas Prakarsa Sendiri (IAPS) merupakan kewenangan konstitusional Ombudsman RI berdasarkan UU No. 37/2008 sebagai mekanisme pengawasan proaktif pelayanan publik. Namun implementasinya masih rendah, termasuk di Ombudsman RI Perwakilan Bengkulu yang baru melaksanakan 1 IAPS sejak 2025 meskipun kasus maladministrasi meningkat 7,1%. Penelitian ini menganalisis pelaksanaan IAPS dari perspektif hukum administrasi negara sebagai manifestasi akuntabilitas horizontal proaktif berdasarkan teori Mark Bovens. Penelitian kualitatif deskriptif dengan pendekatan yuridis-empiris. Data dikumpulkan melalui wawancara mendalam dengan 6 informan kunci, observasi, dan studi dokumentasi hukum. Analisis menggunakan model Miles & Huberman dengan kerangka teori akuntabilitas publik Bovens. Pelaksanaan IAPS di Perwakilan Bengkulu memenuhi kriteria legalitas formal namun menghadapi hambatan operasional dalam pemenuhan kriteria akuntabilitas efektif Bovens, khususnya pada aspek: (1) Independensi</p>

terkendala koordinasi dengan instansi terlapor; (2) Transparansi terbatas pada publikasi LHI; (3) Kredibilitas bukti bergantung pada kompetensi investigator; (4) Konsekuensi rekomendasi lemah karena tidak ada sanksi mengikat. Secara yuridis, IAPS memiliki legitimasi konstitusional kuat namun efektivitasnya terhambat oleh ketiadaan mekanisme sanksi administratif terhadap instansi yang tidak menindaklanjuti rekomendasi. IAPS sebagai instrumen akuntabilitas horizontal proaktif memerlukan penguatan regulasi turunan yang memberikan daya ikat lebih kuat pada rekomendasi Ombudsman, termasuk mekanisme sanksi administratif bagi instansi yang tidak patuh.

Kata Kunci: *Investigasi Atas Prakarsa Sendiri, Ombudsman, Akuntabilitas Horizontal, Hukum Administrasi Negara.*

Introduction

Quality public services are a constitutional right of every citizen. Fulfillment of this constitutional right is operationalized through Law Number 25 of 2009 concerning Public Services, which comprehensively regulates the state's obligations to provide quality, transparent, and accountable services to all citizens without discrimination.¹ In a democratic country, accountability for the provision of public services is a fundamental pillar of accountability. Accountability is a manifestation of the people's sovereignty.²

A concrete manifestation of the principle of accountability in Indonesia's state administrative law system is the establishment of the Ombudsman of the Republic of Indonesia through Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia. From a juridical-constitutional perspective, the Ombudsman is an independent state institution and has no organic relationship with the executive, legislative, or judicial branches of power, thus holding a unique position within the Indonesian state structure.³ The Ombudsman's existence as an external oversight institution reflects the embodiment of the principle of checks and balances, an essential characteristic of a democratic state governed by the rule of law. Power is not concentrated in one institution but rather distributed and monitored by mutual oversight to prevent abuse of authority.

In carrying out its oversight function, the Ombudsman is not only authorized to receive reactive public reports but also has proactive authority, as stipulated in Article 6 paragraph (1) letter d of Law Number 37 of 2008, namely to conduct an Independent Investigation (IAPS) into alleged maladministration in the provision of public services. Mark Bovens distinguishes accountability mechanisms into reactive accountability, triggered by complaints, and proactive accountability, carried out at the initiative of the oversight forum.⁴ IAPS is a form of proactive horizontal accountability that is able to identify and prevent systemic maladministration before it harms the wider community.⁵

From a theoretical and legal perspective, IAPS has strong justification within the framework of a state based on the rule of law. Legal protection for the people against

¹ Lijan Poltak Sinambela, *Reformasi Pelayanan Publik: Teori, Kebijakan, dan Implementasi* (Jakarta: Bumi Aksara, 2007), 45.

² Hayat, *Pelayanan Publik* (Jakarta: RajaGrafindo Persada, 2017), 78.

³ Mikhael Warokka, "Kewenangan Ombudsman RI dalam Pengawasan Pelayanan Publik", *Jurnal Hukum Administrasi*, Vol. V, No. 1 (2017), 97-104.

⁴ 2014 Bovens et., "Mark Bovens, Robert E. Goodin, Thomas 2014," 2014

⁵ 2017 Warokka Mikhael, "Kewenangan Ombudsman RI Dalam Pengawasan Pelayanan Publik" V, no. 1 (2017): 97-104.

government actions is based on the principles of preventive and repressive supervision.⁶ IAPS can be categorized as repressive supervision with proactive characteristics, because it is carried out on the initiative of the Ombudsman based on an analysis of systemic maladministration patterns without waiting for complaints.⁷

However, the implementation of the IAPS faces significant challenges. Data from the Indonesian Ombudsman's 2024 Annual Report shows a 6.5% increase in national maladministration cases, from 26,416 cases in 2023 to 28,142 cases in 2024. In Bengkulu Province, the increase reached 7.1%, from 154 cases in 2023 to 165 cases in 2024).⁸ Interestingly, the Indonesian Ombudsman's Bengkulu Representative Office only implemented IAPS once in 2025, despite having been operational since its inception. This gap between formal authority and actual implementation raises academic questions about the factors hindering IAPS implementation.⁹

The phenomenon of low IAPS is interesting to study from the perspective of state administrative law using public accountability theory. Mark Bovens identifies six criteria for effective accountability: forum independence, accessibility of mechanisms, transparency of processes and outcomes, guarantee of contradictory rights, objective evidence-based assessment, and tangible consequences.¹⁰ Fulfillment of these criteria does not only depend on the juridical-normative aspects, but also on factual implementation involving institutional capacity, HR competence, political support, and organizational culture.¹¹

Based on this background, this study focuses on analyzing the IAPS at the Ombudsman of the Republic of Indonesia Representative Office in Bengkulu from the perspective of state administrative law using Mark Bovens' proactive horizontal accountability theoretical framework. This study not only examines the formal-juridical aspects related to the legal basis and legitimacy of the IAPS's authority, but also analyzes the factual implementation in the field to identify the gap between *das sollen* and *das sein*, between what should happen based on statutory regulations and what actually happens in practice. The empirical-juridical approach used in this study allows for a comprehensive and holistic analysis that is not only trapped in normative legal formalism, but also considers the socio-political-administrative realities that influence the effectiveness of the law in society. Thus, this study is expected to provide a theoretical contribution to the development of state administrative law, particularly related to the horizontal accountability mechanism in the Indonesian state system, while also providing a practical contribution in the form of policy recommendations for optimizing the implementation of IAPS as an instrument of proactive oversight of the provision of public services.

The urgency of this research is further reinforced by the fact that academic studies on the IAPS, particularly from the perspective of state administrative law, are still very limited. Most previous research on the Ombudsman has focused more on the general legal authority aspect or on the reactive mechanism for handling public reports, while the proactive function through

⁶ Philipus M. Hadjon, *Perlindungan Hukum bagi Rakyat di Indonesia: sebuah studi tentang Prinsip-prinsipnya, Penanganan oleh Pengadilan dalam Lingkungan Umum dan Pembentukan Peradilan Administrasi Negara* (Surabaya: Bina Ilmu, 1987), 10-12.

⁷ Sondang P Siagian, *Administrasi Dan Manajemen* (Jakarta: Bumi Aksara, 2017).

⁸ Ombudsman RI, "Meneguhkan Memajukan Pencegahan Pengawasan, Maladministrasi," 2024.

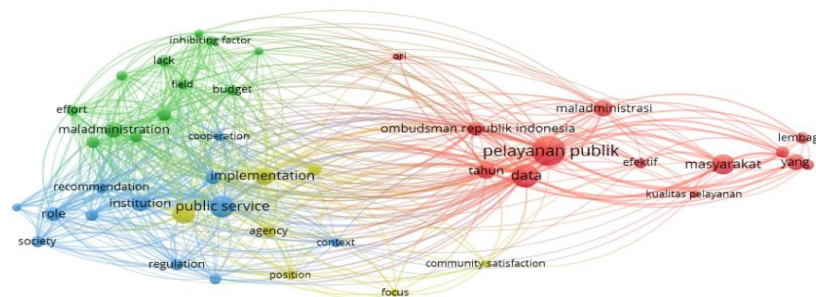
⁹ M Manullang, *Dasar-Dasar Manajemen* (Jakarta: Ghalia Indonesia, 2010).

¹⁰ Mark Bovens and Robert E Goodin, "THE OXFPRD HANDBOOK OF PUBLIC," 2007

¹¹ T Hani Handoko, *Manajemen* (Yogyakarta: BPFE, 2015).

the IAPS has not received much attention from legal academics. Research by Warroka Mikhael, published in the *Journal of Administrative Law*, does examine the Ombudsman's authority in overseeing public services, but emphasizes the legal-normative aspect without analyzing the actual implementation in the field.¹² Likewise, research by Firmansyah and Nugroho published in the *Journal of Public Administration* focuses more on studying the effectiveness of Ombudsman recommendations in handling public reports, and highlights the limited binding power of these recommendations on the reported agency.¹³

Figure 1. Bibliometric Network Visualization Analysis of Publication of Articles Related to IAPS, Supervision, and Ombudsman (2015-2025)



Source: VOSviewer analysis of 151 articles from the Publish or Perish database, 2025

A bibliometric analysis using VOSviewer of 151 research articles (2015–2025) from the Publish or Perish database shows that studies on Ombudsman oversight and maladministration have developed in the Indonesian public administration literature. However, overlay visualization shows that studies on IAPS, especially at the provincial representative level, are still very limited. Density visualization shows that keywords such as Self-Initiated Investigation, Ombudsman RI Representative Office of Bengkulu, and analysis of oversight functions are in very dark areas, indicating a significant research gap. No studies have specifically analyzed IAPS as a proactive horizontal accountability mechanism with a comprehensive theoretical framework such as that developed by Mark Bovens.

Based on the background description, this study formulates three main problems that will be studied in depth. First, how is the legal legitimacy of the Self-Initiated Investigation as a proactive horizontal accountability mechanism in the Indonesian state administrative law system reviewed from the hierarchy of laws and the principles of the rule of law. Second, how is the implementation of the IAPS at the Bengkulu Representative Office of the Ombudsman of the Republic of Indonesia reviewed from the perspective of effective accountability criteria from the perspective of state administrative law based on Mark Bovens' theoretical framework. Third, what are the legal and non-legal obstacles that affect the effectiveness of the IAPS implementation and what efforts to strengthen regulations are needed to optimize the proactive oversight function in order to realize quality and accountable public services.

Research Method

This research uses a juridical-empirical method known in legal research literature as socio-legal research, a research method that combines a normative legal approach with an empirical

¹² 2017 Warokka Mikhael, "Kewenangan Ombudsman RI Dalam Pengawasan Pelayanan Publik" V, no. 1 (2017): 97–104.

¹³ Didi Firmansyah and Sigit Nugroho, "Efektivitas Rekomendasi Ombudsman Dalam Penegakan Standar Pelayanan Publik" XVII, no. 2 (2023): 161–79.

approach to examine the effectiveness of the law in society. Soekanto and Mamudji in their book entitled Normative Legal Research: A Brief Review explain that juridical-empirical research aims to examine and analyze how law works in society, not only limited to the analysis of legal rules written in laws and regulations, but also includes an analysis of community behavior in relation to the law and non-legal factors that influence the effectiveness of the law. In the context of this research, the juridical-empirical approach is used to analyze not only the normative aspects related to the legal basis and legitimacy of the authority of the Self-Initiated Investigation based on applicable laws and regulations, but also to examine the factual analysis of this authority at the Ombudsman of the Republic of Indonesia Representative Office in Bengkulu and the factors that influence the effectiveness of its implementation.¹⁴

Results and Discussion

Instruments and Components of the IAPS of the Indonesian Ombudsman, Bengkulu Representative Office

The first IAPS, implemented in 2025 on the SPMB case at SMA Negeri 5 Bengkulu City, served as the object of study to examine proactive horizontal accountability practices. The presentation of the results and discussion in this chapter integrates empirical findings from in-depth interviews with six key informants, field observations, and legal documentation studies. These findings are then critically analyzed using Bovens' theoretical framework to assess the extent to which the IAPS functions as a substantive accountability instrument, rather than simply a formal-procedural ritual.

This study utilizes Bovens' (2007) six aspects of effective accountability criteria as the analytical framework for IAPS implementation at the Bengkulu Representative Office of the Indonesian Ombudsman. Each aspect is operationalized into sub-aspects tailored to the IAPS context as stipulated in legislation.

Table 1 Framework of Research Aspects and Sub-Aspects

Accountability Aspect	Research Sub-Aspect	Indicators	Normative Legal Basis
Forum Independence	Structural independence; Financial independence; Operational independence	Autonomous structure, budgetary autonomy, independent operational authority	Law No. 37/2008 Articles 2–3; Ombudsman Regulation No. 38/2019 Article 4
Accessibility	Ease of information; IAPS initiation procedures; Stakeholder participation	Public access to information, simplified reporting procedures, inclusive participation	Law No. 37/2008 Article 6; Ombudsman Regulation No. 38/2019 Articles 5–7

¹⁴ John W Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Los Angeles: SAGE Publications, 2024).

Transparency	Process openness; Publication of Investigation Result Reports (LHI); Public accountability	Open procedures, public disclosure of findings, accountability mechanisms	Law No. 37/2008 Article 8; Decree of the Ombudsman Chair No. 49/2021 Article 15
Right to be Heard (Contradictory Rights)	Opportunity for clarification; Due process of law; Procedural fairness	Equal opportunity to respond, legal safeguards, impartial procedures	Law No. 37/2008 Article 9; Ombudsman Regulation No. 38/2019 Articles 10–12
Evidence-Based Process	Data credibility; Investigator competence; Standard of proof	Reliable evidence, qualified investigators, clear evidentiary standards	Decree of the Ombudsman Chair No. 49/2021 Articles 8–11; Ombudsman Regulation No. 38/2019 Articles 13–14
Enforceable Consequences	Binding force of recommendations; Follow-up mechanisms; Administrative sanctions	Mandatory compliance, monitoring mechanisms, administrative enforcement	Law No. 37/2008 Article 38; Decree of the Ombudsman Chair No. 49/2021 Articles 16–18

Source: Adapted from Bovens (2007) and Indonesian Ombudsman Regulation, 2025

Special Criteria for IAPS Implementation Issues

Based on the Indonesian Ombudsman Regulation Number 38 of 2019 Article 5, IAPS is implemented on issues that meet the following criteria: (1) there are allegations of maladministration that are of public concern; (2) have a broad impact on society; and (3) cause material or immaterial losses.¹⁵ The determination of the IAPS issue at the Bengkulu Representative Office of the Indonesian Ombudsman was based on an analysis of recurring public reporting patterns since 2023, media monitoring, and stakeholder information.

IAPS Implementation Stages

The implementation of IAPS at the Bengkulu Representative Office of the Indonesian Ombudsman follows the systematic stages as regulated in the Decree of the Chairperson of the Indonesian Ombudsman Number 49 of 2021, which consists of four main stages: (1) information collection; (2) preparation of information reports; (3) registration of initiative reports; and (4) examination of reports.¹⁶

¹⁵ Regulation of the Ombudsman of the Republic of Indonesia Number 38 of 2019 on Procedures for Investigations on Own Initiative *Ombudsman of the Republic of Indonesia, State Gazette of the Republic of Indonesia 2019 Number 1072, Article 5.*

¹⁶ Decree of the Chairman of the Ombudsman of the Republic of Indonesia Number 49 of 2021 on Technical Instructions for Self-Initiated Investigations within the Ombudsman of the Republic of Indonesia.

Table 2. Stages of IAPS Implementation at the Bengkulu Representative Office of the Indonesian Ombudsman

Stage	Main Activities	Implementation Period	Output
1. Information Collection	Review of public complaints; Mass media monitoring; Analysis of public service data; Identification of maladministration patterns	August 2025 (Weeks 1–2)	Minutes of Information Collection
2. Preparation of Information Report	Data compilation; Preliminary analysis of alleged maladministration; Identification of relevant parties	August 2025 (Week 3)	IAPS Information Report
3. Registration of Initiative Report	Formal registration; Establishment of investigation team; Preparation of examination plan	August 2025 (Week 4)	Decree on Team Formation & Report Registration
4. Investigation of the Report	Request for documents; Summoning of witnesses; Clarification of reported parties; Juridical analysis; Drafting of Investigation Result Report (LHI)	September 2025	Investigation Result Report (LHI)

Source: Research Results, 2025

The information gathering phase utilizes various sources, including public reports submitted to the Ombudsman since 2023, local media coverage, and information from stakeholders. At this stage, the IAPS team identifies recurring and systemic patterns of alleged maladministration in the provision of certain public services. The information report preparation phase involves analyzing the compliance of public service implementation with governing regulations. This analysis yields initial suspicions of abuse of authority and procedural irregularities that require further investigation.

The initiative report is formally registered by issuing a Decree Establishing an Investigation Team, signed by the Head of the Representative Office. At this stage, a systematic investigation plan is also developed, including identifying the documents to be requested, the parties to be summoned, and the schedule for the investigation..

The report examination stage is the core of the IAPS process, where the investigation team conducts a series of evidence-gathering and clarification activities. The entire IAPS process, from information collection to issuance of the Investigation Report (LHI), was completed in approximately two months, demonstrating relatively good procedural efficiency compared to reactive complaint mechanisms, which typically take longer.

Establishment of a Special Investigation Team

The IAPS investigation team was established through a decree from the Head of Representative Office, with the Head of the Report Examination Assistant as the leading sector. The team's composition was designed to ensure professionalism by involving assistants from various assistant offices. As explained by one informant:

"After the Ombudsman discovered allegations of maladministration, we determined the investigation team that would follow up. The leading sector was from the Report Examination Assistant Office. The Head of the Assistant Office and the Head of Representative Office agreed on the coordinator and team."

Regarding competency, all investigators had attended basic investigation training conducted by the Indonesian Ombudsman Central Office, which covered interview techniques, document analysis, preparation of investigative reports, and legal interpretation of maladministration. However, there was no specific training specifically for the IAPS, which has distinct characteristics from handling reactive reports, particularly in identifying root causes and formulating preventive-structural recommendations.

Investigator Training System

Investigator competence is a crucial factor in ensuring the credibility of IAPS audit results. The Bengkulu Representative Office of the Indonesian Ombudsman relies on basic investigative training, which each assistant has completed, to equip them with the necessary skills to carry out their audit functions, both for public reports and IAPS reports. Interviews revealed:

"There is no specific training within the IAPS team, but the basis is investigations. Usually, each assistant has completed this investigative training."

The lack of specific training for IAPS indicates that the Bengkulu Representative Office of the Indonesian Ombudsman relies on the general investigative competencies of its assistants. The investigative training includes interview techniques, document analysis, preparation of investigative reports, and legal interpretation related to maladministration. However, the IAPS has distinct characteristics from handling reactive reports, particularly in terms of initiation, broader scope of investigation, and the complexity of analyzing allegations of systemic maladministration. The lack of specialized IAPS training has the potential to reduce the effectiveness of investigations, particularly in identifying root causes and formulating preventive-structural recommendations, rather than just corrective-case-based ones.

To improve the capacity of IAPS investigators, the development of a specialized training module is needed that covers: (1) methodology for identifying systemic maladministration; (2) public policy analysis techniques; (3) developing root-cause-based recommendations; and (4) coordination strategies with other external oversight bodies.

Monitoring Mechanism and Follow-Up on Recommendations

The Bengkulu Representative Office of the Indonesian Ombudsman has developed a monitoring system that involves direct coordination with regional leaders and relevant agencies:

"Based on the findings and after providing corrective actions, the Ombudsman continues to follow up and monitor the parties. After submitting the Audit Report (LHP), the Ombudsman immediately coordinates with regional leaders. All monitored parties have demonstrated concern and commitment to the Ombudsman's corrective actions."

In the implementation of the IAPS reviewed, there was external support from a member of the Regional Representative Council (DPD RI), who provided special attention: "Mrs. Destita, a DPD RI member from Bengkulu Province, came directly to the Bengkulu Representative Office of the Indonesian Ombudsman to discuss the issues being investigated and brought them to the central government for wider attention. She raised these concerns with the Ministry, and ultimately received a very positive response from the central government."

This proactive involvement of the DPD RI created a positive dynamic within the horizontal accountability mechanism, where the people's representative institution provided political support that strengthened the legitimacy and impetus for the implementation of IAPS recommendations. However, this monitoring mechanism remains coordinative and voluntaristic without legally binding administrative sanctions, so its effectiveness is highly dependent on the political will of regional leaders.

Research Results on IAPS Implementation Based on Public Accountability Criteria Independence of the Supervisory Forum

The aspect of independence is a fundamental prerequisite for the effectiveness of accountability, because objective assessments can only be carried out by a forum that is free from the influence of the actors being monitored. Bovens (2007) identifies three dimensions of independence: structural, financial, and operational.

The findings indicate that institutional independence of the Ombudsman is largely fulfilled at the structural level, as it holds a constitutionally independent status under Law No. 37 of 2008 and maintains no hierarchical or organic relationship with regional executive authorities, resulting in a high level of compliance and no significant structural obstacles. In terms of financial independence, the Ombudsman's budget is allocated through the State Budget (APBN) and is not dependent on the supervised regional government; however, limitations in budget allocation specifically for initiative-based investigations (IAPS) constrain operational capacity, placing this aspect at a moderate level of fulfillment. Meanwhile, operational independence is formally upheld, as the Ombudsman retains the authority to determine investigation subjects independently and coordination with reported institutions remains procedural in nature; nonetheless, practical challenges persist, including resistance from reported parties in providing documents and external pressure from various stakeholders, which collectively reduce the overall level of operational independence to a moderate degree.

Critical Findings: Structural independence provides strong legitimacy for oversight without hierarchical subordination. However, operational independence faces significant obstacles. As stated by the Head of the Report Examination Assistant:

"In implementing the IAPS, we encountered obstacles when requesting certain documents from relevant agencies. Some documents were not immediately submitted, and some were not submitted at all due to internal classification reasons. Yet these documents are crucial for proving allegations of systemic maladministration."

This resistance indicates that formal independence does not automatically result in substantive independence. The absence of sanctions against uncooperative agencies means that the success of investigations depends on voluntary consent, not enforceable coercive authority.

Accessibility of Accountability Mechanisms

Accessibility refers to the ease with which stakeholders can access information about IAPS mechanisms and participate in the accountability process. Bovens (2007) emphasizes that effective accountability must be accessible without excessive structural, procedural, or financial barriers.

The accessibility aspect of initiative-based investigations (IAPS) demonstrates a moderate level of fulfillment across its sub-dimensions. In terms of access to information, mechanisms related to IAPS are publicly available through the official Ombudsman website, and public consultations are conducted regularly in several districts and municipalities; however, dissemination specifically focused on IAPS remains limited, resulting in low public awareness of the Ombudsman's proactive authority. Regarding the IAPS initiation procedure, the criteria for issue selection are normatively clear and grounded in Ombudsman Regulation No. 38 of 2019, and determinations are made through objective analysis with consultation forums serving as informal channels for issue identification; nonetheless, the absence of a structured platform for formally proposing IAPS issues and the predominance of individual complaint-oriented participation constrain procedural inclusiveness. Finally, stakeholder involvement is reflected in coordination with the Regional Representative Council (DPD RI) and the engagement of multiple actors during interviews, yet such involvement has not been systematically directed toward proactive issue identification, with participation tending to be responsive rather than integrative in the planning and monitoring stages.

Transparency of Process and Results

Transparency is an essential pillar of public accountability, as it allows the public to assess the performance of oversight forums and exerts social pressure on the implementation of recommendations. Bovens (2007) emphasized that transparency must encompass transparency of the accountability process, methodology, and results.

Critical Findings: The Indonesian Ombudsman Bengkulu Representative Office has made significant efforts through regular public consultation forums in various regions of Bengkulu Province. However, outreach efforts have emphasized the complaint handling function (reactive accountability) rather than the IAPS. Effective accessibility requires not only the availability of communication channels but also public understanding of accessible mechanisms.

The transparency dimension of initiative-based investigations (IAPS) shows varying levels of fulfillment across its sub-aspects. With respect to process openness, although investigative stages are clearly regulated, the investigation itself is conducted in a closed manner to preserve objectivity and protect examined parties, resulting in limited transparency as there are no periodic public updates and progress information remains internally confined, leading to a low level of fulfillment. In contrast, the publication of Investigation Result Reports (LHI) demonstrates a high level of compliance, as LHI are made publicly accessible through the Ombudsman's official website, disseminated through press releases, and formally presented in forums attended by multiple stakeholders and media representatives; however, their predominantly technical-legal language and the absence of popularized executive summaries reduce broader public comprehensibility. Lastly, public accountability of the Ombudsman is moderately fulfilled, reflected in the inclusion of IAPS data in annual reports, open presentation of LHI, and the availability of consultation forums as feedback channels, yet these forums are not specifically designed for IAPS accountability and there is no routine dialogue focused exclusively on IAPS with civil society organizations.

Contradictory Rights Guarantee

The right to contradict is a manifestation of the principle of due process of law, which ensures that the party being monitored has the opportunity to defend themselves, present counter-evidence, and provide clarification before a final conclusion is reached. Bovens (2007) emphasizes that this procedural fairness is important not only to protect the rights of the reported party, but also to ensure the objectivity and credibility of the audit results.

The assessment of contradictory rights within the IAPS mechanism reveals differentiated levels of procedural fairness. Regarding the opportunity for clarification, all relevant parties are formally summoned in writing and granted adequate preparation time in accordance with Ombudsman Regulation No. 38 of 2019, resulting in a high level of fulfillment; nevertheless, practical issues arise as some parties fail to attend the initial summons and no explicit sanctions are imposed for non-attendance. In terms of due process of law, examinations are conducted in line with applicable regulations and examined parties are allowed legal representation, indicating procedural compliance; however, the absence of clear, upfront explanations concerning procedural rights limits full awareness and reduces this aspect to a moderate level. Finally, procedural fairness remains weak, as although parties are permitted to submit counter-evidence and statements, they do not receive full access to all evidence collected by the Ombudsman, creating information asymmetry that undermines equality of arms and results in a low level of fulfillment.

Critical Findings: The Ombudsman has guaranteed contradictory rights, but information asymmetry is a crucial weakness. The parties being investigated do not have full access to all evidence, thus limiting their ability to provide a comprehensive defense. The principle of *audi alteram partem* requires not only the opportunity to be heard but also access to information on which to base the assessment.

Objective Evidence-Based Assessment

The credibility of IAPS results depends heavily on the quality of the evidence collected and the investigator's competence in analyzing that evidence. Bovens (2007) emphasizes that effective accountability requires assessments based on objective and verifiable evidence, with a credible investigative methodology and clear standards of proof.

The evidence-based dimension of IAPS implementation reflects mixed levels of compliance across its sub-aspects. In terms of data credibility, the Ombudsman relies on valid sources of evidence, including official documents from relevant institutions, verifiable electronic data, and witness statements from multiple parties; despite challenges such as incomplete documentation and resistance to the disclosure of raw data, this aspect achieves a high level of fulfillment. Regarding investigator competence, investigators generally possess foundational investigative training and practical experience in handling maladministration cases, supporting a moderate level of compliance; however, the absence of specialized IAPS training and the fact that not all investigators have an academic background in state administrative law limit methodological depth. Finally, the standard of proof remains the weakest aspect, as although maladministration criteria are normatively defined under Law No. 37 of 2008 and supported by juridical analysis of procedural deviations, the lack of explicitly regulated evidentiary thresholds and the heavy reliance on professional judgment result in a low level of fulfillment.

Critical Findings: The data's credibility is quite good, thanks to source triangulation. The Assistant Ombudsman for the Investigation Team explained:

"From the documents received, we then interviewed the parties requested for explanation—service providers, service users, and stakeholders. Based on these documents and parties, we analyzed them to conclude whether there was maladministration based on statutory criteria."

However, the lack of explicit evidentiary standards is a significant methodological weakness, potentially leading to inconsistencies in application across IAPS cases.

The Real Consequences of Forum Assessments

This aspect is the core of public accountability, because without real, binding consequences, accountability mechanisms will only function as formal rituals without any substantive impact on improving the performance of the actors being monitored. Bovens (2007) emphasizes that consequences can take the form of sanctions for deviations, mandatory follow-up on recommendations, or changes to structural policies.

The consequences dimension of IAPS implementation demonstrates limited effectiveness in ensuring compliance with Ombudsman recommendations. Concerning the binding force of recommendations, although Article 38 of Law No. 37 of 2008 formally obliges reported institutions to implement Ombudsman recommendations, the absence of explicit administrative sanctions and coercive enforcement mechanisms renders compliance largely a matter of moral obligation, resulting in a low level of fulfillment. With respect to the follow-up mechanism, the Ombudsman conducts routine monitoring, coordinates intensively with regional leaders, and involves inspectorates in evaluative processes, which supports a moderate level of compliance; however, the effectiveness of these measures remains contingent upon political will and is weakened by the lack of binding timelines. Lastly, regarding administrative sanctions, recommendations may include the imposition of disciplinary measures and performance evaluations by regional leadership, yet sanctions are neither automatic nor directly enforceable by the Ombudsman, as it lacks sanctioning authority, leading to a low level of fulfillment.

Critical Findings: The aspect of tangible consequences is the most fundamental weakness. The Head of the Indonesian Ombudsman Representative Office in Bengkulu stated:

"Based on the findings and after taking corrective action, the Ombudsman continues to follow up and monitor. After submitting the LHP, the Ombudsman immediately coordinated with regional leaders. Thank God, all parties demonstrated concern and commitment. Even Ms. Destita, a member of the Regional Representative Council (DPD), came directly to the Ombudsman to discuss this issue and bring it to the central government for wider attention."

The support of the DPD demonstrates that the effectiveness of the IAPS increases significantly when there is multi-agency synergy, but it also confirms that without external political support, recommendations are potentially ignored. The IAPS falls into the category of "low-intensity accountability," whose effectiveness depends on contextual factors, not legal force.

Results and Discussion

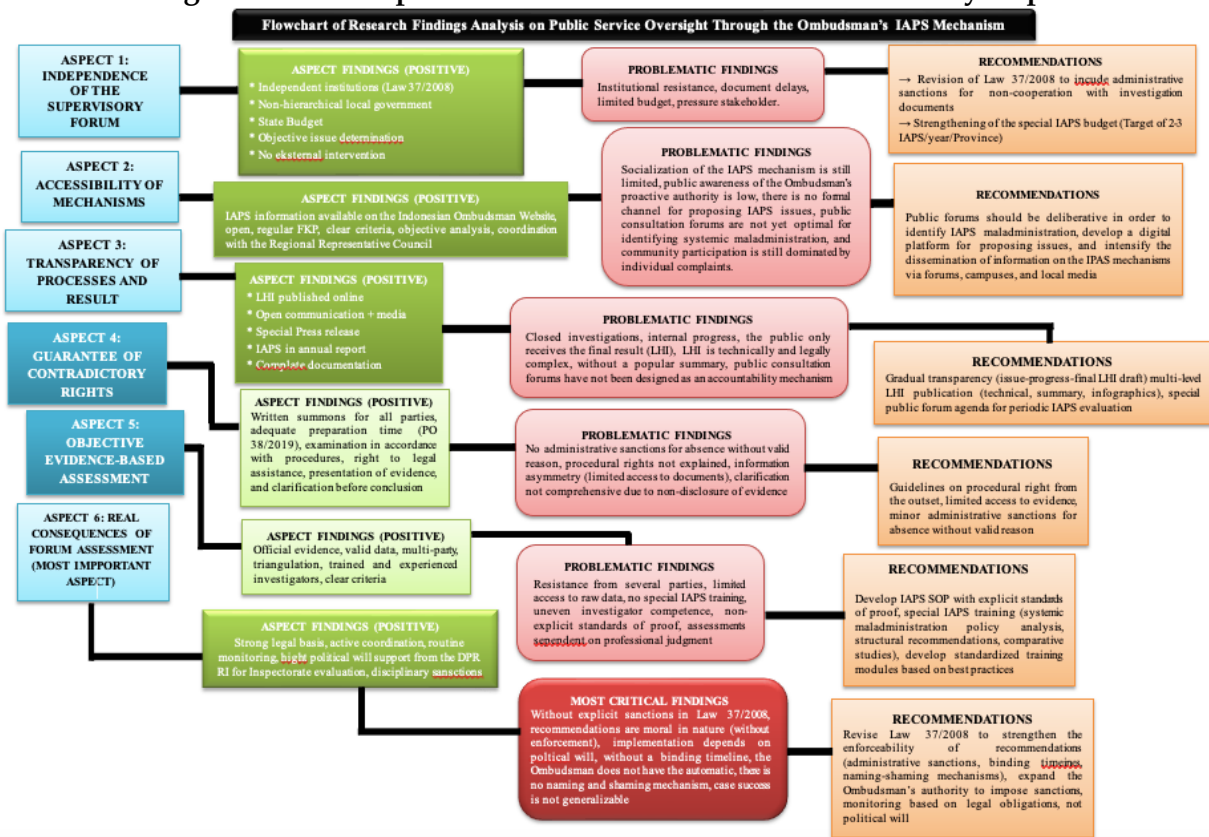
The research results indicate that the implementation of the IAPS at the Bengkulu Representative Office of the Indonesian Ombudsman partially and to varying degrees meets Bovens' (2007) criteria for effective accountability. Of the six aspects analyzed, the level of compliance ranged from low to high, with the following pattern:

Key Findings:

1. High Compliance: Structural independence, publication of the LHI, data credibility, opportunity for clarification
2. Moderate Compliance: Operational-financial independence, information accessibility, transparency of Ombudsman accountability, due process, investigator competence, follow-up mechanisms
3. Low Compliance: Process transparency, procedural fairness, evidentiary standards, bindingness of recommendations, administrative sanctions

The critical weaknesses that most impact the effectiveness of the IAPS are the absence of administrative sanctions (the tangible consequences aspect) and the low level of participatory accessibility (the accessibility aspect). While the main strengths lie in strong constitutional legitimacy (structural independence) and increased transparency in the publication of results through open LHI submission events and press releases.

Figure 2. IAPS Implementation Flowchart and Accountability Gaps



Critical Analysis: Legal Legitimacy versus Substantive Effectiveness

The flowchart reveals a fundamental paradox: strong constitutional legitimacy does not automatically result in effective accountability. The gap between *das sollen* and *das sein* is explained through three critical findings:

"Teeth" Deficit in Accountability Consequences

Bovens (2007) emphasized that effective accountability requires three integral phases: information, debate, and consequences. The IAPS succeeds in the information phase (credible evidence through triangulation) and debate (contradictory rights), but fails in the consequences phase due to the absence of sanctions in Article 38 of Law 37/2008. This article only states that

the reported party is "obliged" to implement recommendations without specifying consequences for disregard. This finding confirms O'Donnell's (1998) argument that horizontal accountability agencies need "teeth" to ensure compliance. Without sanctions, the Ombudsman's recommendations are a "moral obligation" that relies on political will, not legal force.

In this case, the effectiveness was high due to a convergence of factors: the Governor's political will, support from the Regional Representative Council (DPD RI), media attention, and the sensitive issue of education. However, success cannot be generalized because it depends on contextual factors that are not always available. Theoretical implication: Constitutional legitimacy without sanctions creates symbolic accountability, not substantive accountability that consistently changes behavior. IAPS is considered a form of "low-intensity accountability," whose effectiveness is probabilistic, not deterministic.

The Paradox of Transparency: Selective Openness

The findings reveal a contradictory pattern: a closed process with no updates (low), but extensive publication of results (high). This pattern reflects Bovens' interpretation, which emphasizes output transparency over process transparency. This practice can be justified methodologically to: protect the integrity of the investigation from premature public prejudice, protect the parties investigated from trial by public, and effectively gather evidence without pressure from public opinion. However, the lack of regular updates reduces public scrutiny of the Ombudsman's performance. Bovens (2007) emphasizes reciprocal accountability: the oversight forum must also be accountable to the public.

The optimal solution: phased transparency that balances investigative integrity with public accountability: publication of issue determinations, progress updates without detailed findings, draft LHI for public input, and extensive final publication..

Elitist Accessibility: Top-Down Proactivity

IAPS is categorized as proactive accountability, but the results indicate elitist proactivity: issue determination is entirely based on internal analysis without a formal mechanism for community proposals. Although public consultation forums are held regularly, they have not been systematically designed as participatory mechanisms for identifying systemic maladministration. Participation focuses more on individual complaints, rather than identifying systemic patterns. These findings indicate that IAPS has not implemented the concept of diagonal accountability (Bovens et al., 2014), which integrates horizontal accountability with active civil society participation.

Multi-Agency Synergy: Proactive support from the Regional Representative Council (DPD RI) creates a mutually reinforcing convergence of horizontal and vertical accountability, confirming that accountability operates within an institutional ecosystem involving various actors. However, reliance on external support indicates that IAPS lacks sufficient autonomous power.

Conclusion

The implementation of the IAPS at the Bengkulu Representative Office of the Indonesian Ombudsman enjoys strong legal legitimacy under Law 37/2008, but its effectiveness as a proactive horizontal accountability instrument is partial and inconsistent. Analysis using Bovens' (2007) framework reveals a pattern of "high formality, low intensity": IAPS meets

formal-procedural criteria (structural independence, transparency in published results, data credibility, and contradictory rights), but fails in terms of tangible consequences due to the lack of administrative sanctions.

The success of follow-up in the cases studied cannot be generalized because it depends heavily on the convergence of contextual factors (political will, support from the Regional Representative Council (DPD RI), and media attention), which are not always available. IAPS is considered a "low-intensity accountability" approach, with its effectiveness being probabilistic, not deterministic.

Strategic recommendations: (1) Revise Law 37/2008 to include administrative sanctions against agencies that do not follow up on recommendations within 60 days (publication of non-compliance, negative performance recording, public accountability); (2) Develop detailed IAPS SOPs with explicit evidentiary standards and special training for investigators; (3) Transform public consultation forums into participatory-deliberative mechanisms for identifying systemic maladministration; (4) Institutionalize multi-agency coordination through MoUs with the DPD RI and the Inspectorate.

Bibliography

Book

Bovens et al., 2014. "Mark Bovens, Robert E. Goodin, Thomas , 2014)," 2014.

Creswell, John W. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Los Angeles: SAGE Publications, 2024.

Handoko, T Hani. *Manajemen*. Yogyakarta: BPFE, 2015.

Manullang, M. *Dasar-Dasar Manajemen*. Jakarta: Ghalia Indonesia, 2010.

Miles & Huberman. "Qualitative Data Analysis: A Methods Sourcebook. Tle," 2014. <https://doi.org/https://doi.org/10.58557/ijeh.v2i3.98>.

Siagian, Sondang P. *Administrasi Dan Manajemen*. Jakarta: Bumi Aksara, 2017.

Journal

Bovens, Mark, and Robert E Goodin. "THE OXFORD HANDBOOK OF PUBLIC," 2007.

Firmansyah, Didi, and Sigit Nugroho. "Efektivitas Rekomendasi Ombudsman Dalam Penegakan Standar Pelayanan Publik" XVII, no. 2 (2023): 161–79.

Warokka Mikhael, 2017. "Kewenangan Ombudsman RI Dalam Pengawasan Pelayanan Publik" V, no. 1 (2017): 97–104.

Reports

Ombudsman RI. "Meneguhkan Memajukan Pencegahan Pengawasan, Maladministrasi," 2024.

Ombudsman Republik Indonesia Perwakilan Bengkulu, *Laporan Kinerja Tahun 2024*, Ombudsman Republik Indonesia Perwakilan Bengkulu, Bengkulu, 2024.