



Legal Analysis of the Authority of the Ombudsman of the Republic of Indonesia of Riau Province in Encouraging Compliance With the Implementation of Decisions of the Pekanbaru State Administrative Court Which Are Not Implemented By State Administrative Officials

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Abstract

The principle of Indonesia as a state based on the rule of law (*Rechtsstaat*) guarantees citizen protection through the Administrative Court (PTUN) mechanism. However, the effectiveness of PTUN decisions is frequently hindered by the low compliance of Administrative Officials in executing final and binding decisions (*inkracht van gewijsde*), including in Riau Province. This phenomenon of non-compliance constitutes a form of maladministration that threatens legal certainty. This research employs a socio-legal method, combining normative approaches with the analysis of legal implementation in the field within Riau Province for the 2020–2024 period. The results indicate that although the Ombudsman possesses the authority to supervise the neglect of legal obligations (*undue delay*), its effectiveness in Riau remains limited. Data from 2020–2024 reveals that only a small portion of reports regarding PTUN decision execution were successfully resolved to the closed-report stage. The main obstacles include low legal awareness among public officials, perceptions of weak binding force of recommendations, and limitations of authority that cannot intervene in judicial technical matters. Optimizing this role requires strengthening administrative sanctions against defiant agencies and enhancing inter-institutional coordination to ensure the coercive power of PTUN decisions in achieving good governance.

Keywords: Ombudsman RI, Legal Compliance, Administrative Court Decision, Maladministration, Riau

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INTRODUCTION

Indonesia affirms itself as a state of law that upholds the principle of the supremacy of law, as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This principle entails that every government action must be subject to the law, and every citizen has the right to obtain legal protection and certainty when their interests are harmed by government administrative actions or decisions. Within this framework, the presence of the State Administrative Court (PTUN) is an important instrument for testing the legality of State Administrative Decisions and simultaneously provides a mechanism for judicial correction of the use of administrative authority to align with laws and regulations and general principles of good governance. However, the PTUN's control function will lose its meaning if decisions that have binding legal force are not implemented by the state administrative bodies or officials who



are the parties involved. This reality remains a serious problem in practice, because officials' non-compliance with court decisions not only harms those seeking justice but also reflects a weak respect for the supremacy of law. Susilo's (2021) findings indicate that nearly 40% of PTUN decisions are not implemented properly by state administrative officials, even though the decisions are legally binding. This situation has the potential to undermine the authority of administrative justice, weaken the effectiveness of legal protection, and ultimately erode public trust in the state as a responsible provider of public services.

In the context of efforts to strengthen compliance with PTUN decisions, the Ombudsman of the Republic of Indonesia (ORI) holds a strategic position as an external oversight body for public services. Under Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, the Ombudsman is authorized to supervise, inspect, investigate, and issue recommendations regarding alleged maladministration in the provision of public services. Non-compliance with PTUN decisions can be understood as a form of maladministration, specifically the behavior of "neglecting legal obligations," which often manifests itself in the form of undue delays or neglect of the implementation of legal orders that should be carried out by state administrative officials. Therefore, the ORI plays a role not only in receiving and following up on public reports but also in encouraging improvements in administrative compliance through corrective actions and recommendations addressed to relevant agencies. Based on this, this study focuses on the implementation of the authority of the Representative Office of the Ombudsman of the Republic of Indonesia in Riau Province in encouraging compliance with the decisions of the Pekanbaru State Administrative Court (PTUN) that were not implemented by state administrative agencies or officials in the Riau region during the 2020–2024 period. This focus is important to assess how the Ombudsman's oversight mechanism works in practice, identify obstacles that reduce the effectiveness of supervision and follow-up recommendations, and formulate steps to optimize the role of the Ombudsman from the perspective of state administrative law enforcement. Starting from this background, this study formulates three main questions, namely: how does the Ombudsman of the Republic of Indonesia in Riau Province exercise its authority in encouraging compliance with the decisions of the Pekanbaru State Administrative Court (PTUN), what factors hinder the effectiveness of the Ombudsman's oversight authority, and what efforts can be made to optimize the role of the Ombudsman of the Republic of Indonesia in Riau Province in strengthening compliance and ensuring that the principle of the rule of law is truly implemented in government practice..

METHODS

This study applies a sociological research method combined with a normative approach. The normative approach begins with a review of applicable laws and regulations as positive law, thus establishing a legal analysis framework based on norms, principles, and provisions governing governance and public service oversight mechanisms. Furthermore, a sociological approach is used to examine how these provisions are implemented in social reality through field data collection, particularly to capture the dynamics of legal implementation, obstacles,

and responses of stakeholders in society and related institutions. This research is descriptive in nature, as it seeks to explain relevant legal provisions, describe the empirical conditions found, and then relate them to legal theories in practice. The research location was set in Pekanbaru City, with a focus on the Ombudsman of the Republic of Indonesia Representative Office of Riau Province and the Pekanbaru District Court.

Primary data were obtained through semi-structured interviews with the Head of the Examination Assistant Unit of the Ombudsman of the Republic of Indonesia Representative Office of Riau Province and the Deputy Chief Justice of the Pekanbaru District Court, to obtain in-depth information regarding the procedures, experiences, and institutional perspectives in handling the issues studied. Meanwhile, secondary data was collected through document studies, including Audit Result Reports (LHP), public complaint statistics, related laws and regulations, and supporting legal literature. Data analysis was conducted using a qualitative descriptive method, namely describing the situation based on existing conditions, then the collected data was classified according to type to be analyzed using normative legal analysis enriched with prescriptive analysis, so that the research results not only explain facts and norms, but also provide direction for recommendations or formulations for improvement. The scope of the research period covers the period 2020–2024 to obtain a more comprehensive picture of the development of the handling of reports related to the implementation of PTUN decisions by the Ombudsman of the Republic of Indonesia in Riau Province.

RESULTS & DISCUSSION

Results

Based on research findings, the Representative Office of the Ombudsman of the Republic of Indonesia in Riau Province plays a strategic role as an external supervisor to ensure that decisions of the Pekanbaru State Administrative Court (PTUN) that have final legal force are implemented by relevant officials or agencies. Normatively, this role is based on Law Number 37 of 2008 and Government Regulation Number 21 of 2011 which mandate the Ombudsman to receive and follow up on reports of alleged maladministration, including acts of neglect of legal obligations by State Administrative Officials. In practice, the Riau Ombudsman carries out systematic procedures, starting from receiving the report, followed by checking the completeness of formal and material requirements, including ensuring the fulfillment of the 60-day waiting period since the decision, then taking settlement steps through mediation and conciliation to encourage compliance with the decision.

If a resolution through mediation is not achieved, the Ombudsman issues an Examination Result Report (LHP) containing corrective actions. Statistical data shows that of the four reports regarding the execution of PTUN decisions received, only two reports were successfully resolved, while the other two were hampered because the reported officials had not implemented the recommendations in the LHP. This indicates that despite the availability of oversight instruments, the level of compliance of officials in Riau Province remains fluctuating and is heavily influenced by the goodwill of individual state

officials. Furthermore, the study revealed that the Riau Ombudsman uses "soft coercive" instruments to enforce compliance, given that it lacks direct executive authority like a court bailiff. The primary instruments used are the Public Service Opinion Assessment and the Bureaucratic Reform (RB) Index.

Failure to comply with the Ombudsman's recommendations will result in a decrease in the agency's RB index, which in turn will result in a reduction in employee performance allowances. Internally, the Riau Ombudsman is supported by 18 personnel, including leaders and secretarial staff, to oversee 12 districts/cities. However, limited operational resources and budget are significant obstacles that hamper oversight in remote areas. Furthermore, political resistance was found, such as the case of a village head who was still not inaugurated by the Regent despite winning a lawsuit at the State Administrative Court (PTUN), indicating that political interference remains a serious obstacle to the enforcement of administrative law at the local level.

DISCUSSION

The Authority of the Ombudsman of the Republic of Indonesia in Riau Province to Encourage Compliance with PTUN Decisions

The Ombudsman of the Republic of Indonesia plays a strategic role in ensuring that decisions of the State Administrative Court (PTUN) that have final legal force are actually implemented by government agencies or officials. This role rests on the authority to supervise public services and prevent maladministration as stipulated in Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, as well as further regulations regarding the existence and working methods of Ombudsman representatives in the regions as stated in Government Regulation Number 21 of 2011. In principle, the Ombudsman does not have the authority to intervene in cases whose substance is still being examined by the court or whose legal process is ongoing, because these are the realm of judicial power. However, once the PTUN decision is declared final and binding, a legal obligation arises for the relevant agencies or officials to follow up on the contents of the decision. It is in this post-decision phase that the Ombudsman can exercise its full authority, especially when there is non-compliance or negligence in implementing the decision that impacts the rights of the community. Non-compliance with PTUN decisions can be seen as a serious form of maladministration, because it shows a disregard for legal obligations, including undue delays, thus causing losses to parties who should receive restoration of rights based on court decisions. Based on the research results, the mechanism for implementing the authority of the Ombudsman of the Republic of Indonesia in Riau Province in handling non-compliance with PTUN decisions is carried out through the following stages: (a) Receiving and registering reports from the public through various channels; (b) Verifying and clarifying reports to ensure material and formal requirements; (c) Mediation and conciliation as the main approach that prioritizes constructive dialogue; (d) Issuing an Examination Results Report (LHP) or Analysis Results Report (LHA); and (e) Monitoring and evaluating the implementation of recommendations for 30 days after the LHP is issued.

Tabel 1. Number of Reports to the Ombudsman Regarding the Execution of Pekanbaru PTUN Decisions for the 2020–2024 Period

No	Tahun	Proses	Tutup	Jumlah
1	2020	0	0	0
2	2021	0	1	1
3	2022	0	2	2
4	2023	0	1	1
5	2024	0	0	0
6	Total	0	4	4

Source: Indonesian Ombudsman Representative Office for Riau Province, 2025

Based on the table above, of the 4 (four) reports received regarding the follow-up process for the execution of the Pekanbaru PTUN decision for the 2020–2024 period, only 2 (two) reports were successfully completed procedurally. The other two reports could not be completed because the LHP recommendations had not been implemented by the reported parties. This condition is in line with Soerjono Soekanto's thinking that the law is said to be effective if there is a match between *das Sollen* (written rules) and *das Sein* (field reality). Based on this data, the Ombudsman's authority is still not fully effective in encouraging follow-up to the execution of PTUN decisions.

Factors Inhibiting the Effectiveness of the Ombudsman's

Authority Based on field research, four main factors hinder the effectiveness of the supervisory authority of the Riau Province Ombudsman in encouraging compliance with the Pekanbaru State Administrative Court (PTUN) decisions. First, Limited Coercive Power. Recommendations issued in the Audit Report (LHP) at the provincial representative level are not legally binding and depend entirely on the moral conscience and good faith of state officials. Unlike the District Court, which has bailiffs for actual execution, the PTUN's execution depends heavily on the defendant's legal awareness. The LHP at the provincial level is merely a recommendation that officials should follow, but can still be ignored without direct legal sanctions.

Second, Limited Resources and Institutional Capacity. The Riau Province Ombudsman only has 18 (eighteen) personnel, including the head of the representative office, assistants, and the secretariat, with an inadequate budget to cover all 12 regencies/cities in Riau. Limited supporting infrastructure also poses a challenge, including a lack of operational vehicles to handle cases in various regions.

Third, Political Obstacles and Resistance from Authorized Officials. In some cases, non-compliance with PTUN decisions is not due to ignorance or

technical difficulties, but rather to political considerations. The case of a Village Head who was not inaugurated by the Regent despite having won a lawsuit at the PTUN reflects the political dimension to this non-compliance. This phenomenon demonstrates the tension between the principle of the rule of law and the principle of popular sovereignty, as represented by elected political officials.

Fourth, the Issue of Whistleblower Protection and Identity Confidentiality. In PTUN cases, particularly those involving official disputes, identity confidentiality is very difficult to enforce because the dispute is so specific to a particular individual. This raises concerns about retaliation or intimidation against the whistleblower, which in turn can discourage the public from using the complaint mechanism to the Ombudsman.

Efforts to Optimize the Role of the Ombudsman of the Republic of Indonesia in Riau

Province Based on the research results, several optimization efforts can be implemented to increase the effectiveness of the Ombudsman of the Republic of Indonesia in Riau Province in encouraging compliance with the Pekanbaru Administrative Court (PTUN) decisions. First, Strengthening Legal Instruments. A revision of Law Number 37 of 2008 is needed to strengthen the binding power of the Ombudsman's legal products at the representative level. The LHP at the provincial level needs to have stronger legal force or be directly integrated with the sanctions mechanism in the State Civil Apparatus (ASN) Law, so that officials who fail to implement corrective recommendations can be subject to severe disciplinary sanctions automatically. Harmonizing the Ombudsman Law with the ASN Law can integrate non-compliance with the Ombudsman's recommendations as a form of serious disciplinary violation.

Second, Optimizing Clarification and Mediation Mechanisms. The Ombudsman needs to optimize its role as a mediator by holding joint clarification hearings involving the PTUN, the Ombudsman, and the disputing parties. The development of Alternative Dispute Resolution (ADR) in the context of implementing PTUN decisions also needs to be developed, along with technical guidance that can help officials understand the concrete steps that must be taken.

Third, Utilization of the Public Service Opinion Assessment Instrument. The Ombudsman uses the Public Service Opinion Assessment and the Bureaucratic Reform (RB) Index as pressure tools, where non-compliance with the LHP will result in a significant reduction in an agency's RB index, directly impacting employee welfare. This instrument reflects the application of Good Governance Theory, which requires transparency, accountability, and adherence to the rule of law.

Fourth, Improved Inter-Agency Coordination. The Ombudsman needs to improve coordination with the Government Internal Supervisory Apparatus (APIP), the Inspectorate, the Ministry of Administrative and Bureaucratic Reform (Kemenpan RB), and other law enforcement agencies. Stronger supervisory synergy will ensure that non-compliance with PTUN decisions can be handled comprehensively from various aspects.

Fifth, Utilization of Information Technology. The development of a digital-based information system can improve the Ombudsman's work efficiency.

An online reporting system, an integrated database of PTUN decisions and their implementation status, and an agency compliance monitoring dashboard can facilitate the Ombudsman in conducting real-time monitoring and evaluation.

CONCLUSION

Based on the research results and discussion, three main conclusions can be drawn. First, the authority of the Riau Province Ombudsman is an independent and strategic external supervisory authority in monitoring the post-decision phase (*inkracht*). Although it lacks direct coercive power, the Ombudsman has the authority to categorize official non-compliance as maladministration. However, the LHP at the representative level is only a recommendation that is not legally binding, and is therefore often ignored by officials who feel they hold strong political positions.

Second, factors hindering effectiveness include: limited coercive power, limited institutional resources (18 personnel for 12 districts/cities), political constraints and resistance from powerful officials, and issues of whistleblower protection and identity confidentiality.

Third, efforts to optimize the role are carried out through the integration of administrative instruments and moral pressure, including the use of Public Service Opinion Assessments, the Bureaucratic Reform Index, optimization of clarification and mediation mechanisms, increasing legal awareness of public officials, as well as cross-agency coordination and the use of mass media as a shaming mechanism for disobedient officials.

CONFLICT OF INTEREST

Concerning the research, authorship, and publication of this paper, the author(s) reported no potential conflicts of interest.

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