

REGULATION OF THE OMBUDSMAN OF THE REPUBLIC OF INDONESIA
NUMBER 26 OF 2017
ON
PROCEDURES FOR RECEIPT, INVESTIGATION, AND RESOLUTION OF
COMPLAINTS

BY THE BLESSINGS OF ALMIGHTY GOD

CHAIRPERSON OF THE OMBUDSMAN OF THE REPUBLIC OF INDONESIA,

Considering : that in order to implement the provisions of Article 41 of Law Number 37 of 2008 on the Ombudsman of the Republic of Indonesia and Article 46 section (7) of Law Number 25 of 2009 on Public Services, it is necessary to issue Ombudsman Regulation on Procedures for Receipt, Investigation, and Resolution of Complaints;

Observing : 1. Law Number 37 of 2008 on the Ombudsman of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2008 Number 139, Supplement to the State Gazette of the Republic of Indonesia Number 4899);
2. Law Number 25 of 2009 on Public Services (State Gazette of the Republic of Indonesia of 2009 Number 112, Supplement to the State Gazette of the Republic of Indonesia Number 5038);
3. Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587), as amended several times, last by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 6579).

Has Decided:
To Issue : OMBUDSMAN REGULATION ON PROCEDURES FOR
RECEIPT, INVESTIGATION, AND RESOLUTION OF
COMPLAINTS.

CHAPTER 1 General Provisions

Article 1

In this Ombudsman Regulation:

1. Ombudsman of the Republic of Indonesia, hereinafter referred to as Ombudsman, means a state institution that has the authority to oversee the implementation of public services organized by state and government administrators including those organized by State-Owned Enterprises, Local-Owned Enterprises, and State-Owned Legal Entities as well as private entities or individuals assigned of organizing certain Public Services, some or all of which are sourced from the state budget and / or local budget.
2. Representative Office of the Ombudsman of the Republic of Indonesia, hereinafter referred to as Representative, means Ombudsman Office in the Province or Regency/City which has a hierarchical relationship with the Ombudsman.
3. Ombudsman Assistant means an employee appointed by the Chairperson of the Ombudsman based on the approval of members of Ombudsman meeting to assist the Ombudsman in carrying out its functions, duties, and authority.
4. Public Services mean activities or series of activities in order to fulfill service needs in accordance with legislation for every citizen or resident for goods, services, and / or administrative services provided by the providers of Public Services.
5. State Administrator means officials who carry out functions of Public Services whose main duties are related to state administration in accordance with the provisions of legislation.
6. Maladministration means behavior or actions against the law, exceeding authority, using authority for other purposes than those for which the authority is intended, including negligence or disobedience of legal obligations in the implementation of Public Services carried out by state and government administrators which cause material and/or immaterial losses to the public and individuals.
7. Complaint means a complaint or submission of facts resolved or followed up by the Ombudsman submitted in writing or orally by any person who has been a victim of Maladministration.
8. Complainant means an Indonesian Citizen or resident who makes a complaint to mbudsman.
9. Proxy of Complainant means an individual or entity that is given the right to represent the complainant in submitting a complaint to the Ombudsman.
10. Reported Party means a state administrator, government, or private entities as well as an individual suspected of committing Maladministration reported to the Ombudsman or found during the Investigation.

11. Superior of the Reported Party means the head of the state administrator, government or private entities as well as individuals who are suspected of committing Maladministration reported to the Ombudsman.
12. Witnesses mean parties who know and/or are involved in or directly experience an event or series of events that allegedly constitute acts of Maladministration.
13. Clarification means an action that aims to obtain an explanation from the reported parties, the superior of the reported parties, the complainants and witnesses related to the Complaint of alleged Maladministration submitted by the Complainants.
14. Investigation means a series of activities carried out by the Ombudsman in order to obtain data, information, and documents that are useful for proving allegations of Maladministration reported to the Ombudsman.
15. Mediation means a process of resolving disputes of Public Services between parties through assistance, either by the Ombudsman itself or through a mediator established by the Ombudsman.
16. Conciliation means a process of resolution public complaints conducted by the Ombudsman conciliator related to the implementation of Public Services with the aim of finding a settlement that is acceptable to both parties through the proposal of a settlement framework by the Ombudsman conciliator.
17. Recommendation means conclusion, opinion, and suggestion compiled based on the results of the Ombudsman's investigation to the superior of the reported parties to be implemented and/or followed up in order to improve the quality of the providers of Public Services.
18. Resolution means a process of resolution complaints carried out through Conciliation, Mediation, Adjudication, and/or issuance of Recommendations after the results of the Investigation stating that Maladministration has occurred by the the providers of Public Services.
19. Receiving and verifying of Complaint Unit means the unit in charge of receiving, recording, and verifying Public Complaint.
20. Investigation Unit means the unit in charge of conducting an Investigation to obtain conclusions or proof of allegations of Maladministration.
21. Resolution and Monitoring Unit means the unit in charge of coordinating and/or carrying out the process of Conciliation, Mediation, Adjudication, and/or Recommendations on public Complaint after receiving the results of the Investigation from the Investigation unit and monitoring of the resolution results.
22. Formal Requirements mean a number of administrative matters that must be met to submit a Complaint to the Ombudsman so that it can be followed up.
23. Material Requirements mean matters that are substantive or related to the Ombudsman authority

that must be met to submit a Complaint to the Ombudsman so that it can be followed up.

24. Plenary Meeting means the highest decision-making mechanism attended by half plus one of the Members of the Ombudsman.
25. Representative Meeting mean a meeting with a specific agenda and a quorum attended by the Head of Representative and half plus one of the number of Assistants.
26. Sanctioning Recommendation means an Ombudsman Recommendation submitted to the administrative sanctioning official.

CHAPTER II RECEIPT AND VERIFICATION OF COMPLAINTS

Article 2

- (1) The Ombudsman receives Complaints submitted by coming in person, mail and/or electronic mail, telephone, social media, and other media addressed directly to the Ombudsman.
- (2) The Ombudsman can receive Complaints submitted by another parties as the Proxy of Complainants in the event that the Complainants are unable to submit the Complaints directly to Ombudsman by including proof of power of attorney.
- (3) The Ombudsman may keep the name and identity of the Complainants confidential at the request of the Complainants and/or Ombudsman's consideration.
- (4) In the event that Complaints submitted by coming in person:
 - a. the Complainants are obligated to fill out the report submission form; and
 - b. the Complaint Recipients is obligated to provide a receipt of the Complaints.
- (5) The method of submitting the Complaints as referred to in section (1) must be recorded in the agenda for receiving the Complaint for data collection purposes.

Article 3

The formal requirements and material requirements of the Complaints as referred to in Article 2 section (1) are verified.

Article 4

- (1) The formal requirements in Complaint verification are as follow:
 - a. full name, place and date of birth, marital status, occupation, and complete address of the Complainants and accompanied by a photocopy of identity;
 - b. power of attorney, in the event that the submission of the Complaint is authorized to other parties;
 - c. contains detailed descriptions of events, actions or decisions that are reported;

- d. has submitted a Complaint directly to the Reported Party or his/her superior but the Complaint does not receive proper resolution; and
 - e. the event, action, or decision reported has not passed 2 (two) years since the event, action, or concerned decision occurred.
- (2) In the event that the Complaints do not meet the formal requirements, the Ombudsman notifies the Complainants in writing to complete the Complaints.
 - (3) If within 30 (thirty) workdays the Complainants do not immediately complete and submit it to the Ombudsman, the Complaints do not need to be followed up and the Complainants are considered to have revoked the Complaints file.
 - (4) In the event that the Complaints meets the formal requirements, it is proceeded with verification of the material requirements.

Article 5

The material requirements in the verification of the Complainant are as follows:

- a. the substance of the Complaint is not being and has been the object of an Investigation in Court, unless the Complaints containing maladministration in the Court of Investigation process;
- b. the Complaint is not in the process of being resolved by the reported institutions and according to the Ombudsman, the resolution process is still within a reasonable time;
- c. the Complainant has not obtained a resolution from the reported institutions;
- d. the substance reported is in accordance with the scope of the Ombudsman's authority; and
- e. the substance reported is being and/or has been followed up by the Ombudsman.

Article 6

- (1) Verification of formal and material requirements is carried out by the receiving and verifying of Complaint unit.
- (2) The results of verification of material requirements are compiled in the form of a summary of verification results.
- (3) The summary of the verification results contains at least:
 - a. Identity of the Complainant;
 - b. Reported Party;
 - c. Alleged maladministration;
 - d. Chronology of the Complaint; and/or
 - e. Conclusions.
- (4) A summary of the verification results is presented at the Plenary Meeting or Representative Meeting to decide on the follow-up.

Article 7

The conclusions as referred to in Article 6 section (3) point e are in the forms of:

- a. the Ombudsman does not have authority to continue the Investigation in the event that the Complaint does not meet the material requirements; or
- b. the Ombudsman has authority to proceed with the Investigation in the event that the Complaint meets the material requirements.

Article 8

- (1) In the event that the Ombudsman does not have authority to continue the Investigation as referred to in Article 7 point a, it is stated in the decision of the meeting to be notified in writing to the Complainants.
- (2) In the event that the Ombudsman has authority to continue the Investigation as referred to in Article 7 point b, the Ombudsman may carry out the assignment or submission of the Complaints.
- (3) The Investigation phase begins after the assignment of a registration number.

Article 9

- (1) The assignment as referred to in Article 8 section (2) is carried out by the Ombudsman to the Representatives in the event that the alleged Maladministration reported is under the authority of the Reported Parties in the working area of Representatives.
- (2) The submission of the Complaints as referred to in Article 8 section (2) is carried out by the Representatives to the Ombudsman in the event that the alleged Maladministration reported is under the authority of the Reported Parties which is outside working area of Representatives receiving the Complaints.

Article 10

Letters that are copies of Complaints addressed to the provider institutions are further regulated by a Regulation of the Chairperson of the Ombudsman.

CHAPTER III COMPLAINT INVESTIGATIONS

Part One Maladministration

Article 11

Forms of Maladministration include:

- a. Protracted/un-due delay, which is the act of delaying the completion of services or providing services beyond the standard operation procedures of service promises;
- b. Not providing services, which is the behavior of ignoring partial or complete service duties to people who are entitled to these services;
- c. Incompetent, which is service providers who provide services not in accordance with competence;
- d. Abuse of authority, which is an act of exceeding authority, against the law, and/or the use of authority for

- other purposes than the purpose of that authority in the Public Service process;
- e. Procedural irregularities, which are the implementation of public services that are not in accordance with the service flow/procedure;
 - f. Request for remuneration, which is an unlawful request for remuneration in the form of money, services or goods for services provided to service users;
 - g. Inappropriateness, which is improper and inappropriate behavior by the providers of Public Services in providing good service to the service user community;
 - h. Siding, which is partisanship in the provision of public services that provide benefits in any form to one party and harm other parties or protect the interests of one party without regard to the interests of other parties;
 - i. Discrimination, which is the provision of different services, special or unfair treatment among fellow service users; and
 - j. Conflict of interest, which is the provision of public services that are influenced by the existence of group, class, tribes or family relationships either by bloodlines or marriage relations so that the services provided are not as they should be.

Article 12

- (1) Proof of alleged Maladministration in the Complainant Investigation process is carried out to find material and/or formal evidence that supports the fulfillment of the elements of Maladministration.
- (2) Evidence in the Investigation of Complaints are in the forms of:
 - a. letter/document;
 - b. description:
 - 1. Complainant;
 - 2. Reported Party;
 - 3. Witness;
 - 4. related parties; and
 - 5. expert.
 - c. electronic information/data; and
 - d. goods.
- (3) Maladministration are declared found in the Complaints if in the Investigation there is suitability between the event/occurrence and the collected clues and evidence.

Part Two

Document Investigation

Article 13

- (1) In the event that in the conclusion the Ombudsman has authority to continue the Investigation as referred to in Article 7 point b, a document Investigation is conducted.
- (2) The results of the document Investigation are written in the Reports on the results of the document Investigation.
- (3) The Reports on the results of the document Investigation

as referred to in section (2) at least contains:

- a. registration number and date;
 - b. identity of the Complainant;
 - c. Reported Party;
 - d. chronology of the Complaint;
 - e. substance of the Complaint;
 - f. alleged Maladministration;
 - g. Complainant's expectations;
 - h. related regulations;
 - i. temporary supporting data;
 - j. analysis;
 - k. temporary conclusions; and
 - l. follow-up.
- (4) The Investigation Unit reviews the Complaints before issuing the Complaint on the results of the document Investigation and follow-up decision.
 - (5) The follow-up as referred to in section (3) point 1 is a form of action that will be taken by the Ombudsman, including:
 - a. data request;
 - b. Clarification request;
 - c. summoning;
 - d. field Investigation;
 - e. Conciliation; or
 - f. stop the Investigation.

Article 14

- (1) The Investigation can be stopped in the event that the substance of the Complaints is known not to be the authority of the Ombudsman, or it is concluded that Maladministration is not found.
- (2) The decision to terminate the Investigation as referred to in section (1) is conveyed to the Complainants within 7 (seven) workdays since the Report on the results of the document Investigation is signed by the Chairperson or Head of Representative.
- (3) Follow-up of the Complaints by data requests can be carried out in the event that additional information is still required from the Complainants.
- (4) The Ombudsman may convey written and/or oral notification regarding the progress of the resolution of Complaints to the Complainants.

Part Three

Clarification and Summoning

Article 15

- (1) The request for Clarification as referred to in Article 13 section (5) point b may be made by requesting an explanation in writing or in person.
- (2) The request for Clarification as referred to in section (1) done by:

- a. Deputy/Coordinator for Resolution of Complaint

which may be delegated to the Investigation Team Coordinator;

- b. In charge of the resolution of Complaint at the Representative.

Article 16

- (1) The written Request for Clarification as referred to in Article 15 section (1) is submitted to Reported Parties, the Superior of the Reported Parties and other related parties.
- (2) Reported Parties and/or the Superior of the Reported Parties are obligated to respond to the Ombudsman's request for clarification in writing no later than 14 (fourteen) workdays from the receipt of the request for Clarification.
- (3) If within 14 (fourteen) workdays as referred to in section (2) the Reported Parties and/or the Superior of the Reported Parties do not provide an explanation, the Ombudsman submits a second request for Clarification in writing.
- (4) The Reported Parties and/or the Superior of the Reported Parties are obligated to respond to the second Clarification request not later than 14 (fourteen) workdays from the receipt of the Clarification request letter.
- (5) In the event that the Ombudsman requires an explanation of the written Clarification response, the Ombudsman may hold a meeting with the Reported Parties and/or the Superior of the Reported Parties.
- (6) In the event that Clarification is required quickly, in-depth and accurately, the Ombudsman may conduct direct Clarification as referred to in Article 15 section (1), with written notification.
- (7) The right to response is considered waived, if the Reported Parties and/or the Superior of the Reported Parties do not provide an answer to the Clarification.

Article 17

- (1) In conducting the Investigation, the Ombudsman may make a written summons to the Reported Parties.
- (2) The summons as referred to in section (1) are made 3 (three) times with a period of 14 (fourteen) workdays each since the date of receipt of the summons.
- (3) In the event that the Reported Parties do not fulfill the Ombudsman's summons with valid reasons, forced attendance is carried out with the assistance of the police.
- (4) In the event that the Reported Parties are not willing to provide an explanation, the Reported Parties are deemed to obstruct the Investigation conducted by the Ombudsman.
- (5) Unwillingness to provide an explanation as referred to in section (4) is stated in a minutes.

Article 18

The procedure for forced attendance as referred to in Article 17 section (3) and the submission of Complaints regarding efforts to obstruct the Ombudsman's Investigation are carried out based on the Ombudsman's memorandum of understanding

with the Indonesian National Police.

Part Four Field Investigation

Article 19

- (1) The field Investigation as referred to in Article 13 section (5) point d is carried out in the event that the reported problem requires visual proof, ensuring the substance of the problem, and obtaining explanations from related parties.
- (2) Field Investigation is conducted in stages including:
 - a. preparation stage;
 - b. implementation stage; and
 - c. reporting stage.

Article 20

- (1) The preparation of Field Investigation as referred to in Article 19 section (2) point a consists of:
 - a. preparation of terms of reference for field Investigation;
 - b. preparation of field Investigation worksheets; and
 - c. making of a field Investigation team;
- (2) The terms of reference for field Investigation as referred to in section (1) point a at least contain:
 - a. number of field investigation teams;
 - b. list of parties to be questioned;
 - c. questionnaire;
 - d. the object to be examined;
 - e. field Investigation method; and
 - f. time frame of the field Investigation .
- (3) The field Investigation team as referred to in section (1) point c is determined by the Chairperson of the Ombudsman or Head of Representatives through a letter of assignment.
- (4) In the event that the Complaints are handled by a Representative and requires a field Investigation which object is located in Jakarta or outside its working area, the Ombudsman first obtains approval.

Article 21

- (1) Field Investigations are conducted using open and/or closed methods.
- (2) The field Investigation team is equipped with a letter of assignment and an Ombudsman identity card.
- (3) For 1 (one) public Complaints, field Investigations is conducted at most 2 (two) times and if necessary, the re-Investigation must go through a in-depth review of Complaint attended by at least 2 (two) Members of the Ombudsman or a Resolution of Complaints meeting at the Representative.

Article 22

- (1) An open field Investigation may be preceded by the submission of a notification letter to the institutions of

the Reported Parties.

- (2) Open field Investigation can be conducted for several Public Complaints simultaneously.
- (3) In certain condition by taking into account developments in the field, an open Investigation may be followed by Conciliation.

Article 23

- (1) Closed field Investigation is conducted without information to the Reported Parties.
- (2) Closed field Investigation are only conducted to obtain direct evidence of reported problems.

Article 24

- (1) The results of the field Investigation are stated in the Report of Field Investigation.
- (2) The report of field Investigation as referred to in section (1) at least contains:
 - a. substance of the Complaint;
 - b. activities undertaken;
 - c. findings;
 - d. explanation from the Complainant, the Reported Parties, the Superior of the Reported Parties and/or related parties, if the field Investigation is conducted openly;
 - e. conclusions; and
 - f. follow-up plan, including prospects for resolution.
- (3) The Report of field Investigation is prepared not later than 10 (ten) workdays since the completion of the field Investigation activities.

Part Five

Final Report of Investigation

Article 25

- (1) The overall Investigation results of the Complaints are compiled in the Final Report of Investigation.
- (2) The Final Report of Investigation contains at least:
 - a. identity of the Complainant;
 - b. Complaint description;
 - c. Investigations that have been conducted;
 - d. analysis of relevant regulations;
 - e. conclusion, in the form of whether Maladministration is found or not ; and
 - f. corrective actions that can be taken.
- (3) For the Complainants whose identity are kept confidential, the Final Report of Investigation does not mention the identity of the Complainants.
- (4) Investigation Unit reviews the Complaints before determining the Final Report of Investigation by involving the Members of the Ombudsman or Head of Representative.
- (5) Final Report of Investigation which states that Maladministration is not found is submitted to the Complainants with a copy to the Reported Parties.

- (6) Final Report of Investigation which states that there is a Maladministration, the Ombudsman submits it to the Reported Parties and requests a response.
- (7) Against the Final Report of Investigation as referred to in section (6) but does not get a follow-up from the Reported Parties, it is submitted to the Resolution and Monitoring Unit for resolution steps.

Part Six Ombudsman Quick Response

Article 26

- (1) The Ombudsman quick response is a mechanism for resolution of public Complaints carried out in emergency conditions.
- (2) The Criteria for Complaints that can be followed up with the Ombudsman quick response are in the forms of:
 - a. emergency conditions;
 - b. threatening life; or
 - c. threatening the right to life.

Article 27

- (1) The Ombudsman quick response is determined as the resolution of Complaints is carried out with the mechanism of in the forms of direct Clarification, field Investigation, or Mediation/Conciliation prior to the document Investigation process as referred to in Article 13
- (2) Settlement with the Ombudsman quick response mechanism is carried out after obtaining approval from the Deputy / Coordinator for Resolution of Complaints or the Head of Representative.
- (3) The implementation of direct Clarification, field Investigation, or Mediation/Conciliation in the Ombudsman quick response is carried out in accordance with the rules as regulated in the provisions of this Ombudsman Regulation.

CHAPTER IV RESOLUTION OF COMPLAINTS

Part One Resolution and Closing of Complaints

Article 28

- (1) The Complaints are declared resolved when:
 - a. they have obtained a resolution from the Reported Parties;
 - b. Maladministration is not found;
 - c. Complaints is in the process completion by institution within a reasonable time;
 - d. the Ombudsman does not have authority to continue the Investigation;
 - e. the substance reported was not the Ombudsman's authority;

- f. substance has or being become object of investigation in court;
 - g. has reached agreement in Conciliation and/or Mediation; or
 - h. recommendations have been issued.
- (2) The Complaints can be closed at any stage of the resolution of Complaints if:
- a. The Complainants withdraw the Complaints;
 - b. Complaints declared resolved as referred to in section point a to point g;
 - c. The recommendation has been implemented; or
 - d. Recommendations are not implemented and have been published or reported to the House of Representatives and the President.

Article 29

- (1) The Complaints can be revoked by the Complainants or Proxy of Complainant with a revocation letter addressed to the Ombudsman.
- (2) Complainants who have revoked their Complaints as referred to in section (1) cannot resubmit the same Complaints.

Part Two Mediation and Conciliation

Article 30

- (1) In the event that the resolution of the Complaints can be carried out through Conciliation at the Investigation stage, the facilitation is carried out by the Investigation Unit.
- (2) In the event that the resolution of the Complaints can be carried out through Conciliation after the Investigation stage, the facilitation is carried out by the Resolution Unit.

Article 31

- (1) In the event that the Complaints can be followed up through Mediation, the Investigation Unit may propose a written resolution to the Resolution Unit.
- (2) Within a maximum of 7 (seven) workdays, the Resolution Unit decides whether or not the Complaints can be resolved through Mediation.

Article 32

- (1) The resolution of the Complaints can be conducted through Mediation and/or Conciliation at the request of the parties or the Ombudsman's initiative.
- (2) The Ombudsman, represented by the Resolution Unit or the Head of Representatives has the right to determine alternative mechanisms of Resolution through Mediation and/or Conciliation with the consent of the parties.

Article 33

The criteria for Complaints that can be resolved through Mediation or Conciliation are Complaints that are disputes over service rights, and:

- a. Complaints arising from the impact of losses experienced by the Complainants; or
- b. Complaints that involve many parties and/or other elements of society affected by the resolution of the Complaints policy.

Article 34

- (1) The Ombudsman mediators and conciliators are the Members of the Ombudsman, Heads of Representative and/or Assistants who serve based on the assignment letter of the Chairperson.
- (2) If there is an objection from either Parties to the appointed mediator or conciliator, the Chairperson appoints a substitute mediator or conciliator.

Article 35

- (1) Procedure for organizing Mediation and Conciliation includes:
 - a. Mediators and/or conciliators compile plan for the implementation of Mediation and/or Conciliation;
 - b. Mediators and/or conciliators carry out Mediation and/or Conciliation;
 - c. Mediators and/or conciliators draw up minutes of the Mediation and/or Conciliation;
 - d. Mediators and/or Conciliators compile Mediation and/or Conciliation Complaint;
 - e. Monitoring of the implementation Mediation and/or Conciliation results.
- (2) Guidelines for the implementation of Mediation and Conciliation are further regulated by Decision of the Chairperson of the Ombudsman.

Part Three
Recommendations

Article 36

Recommendations of the Ombudsman are issued, if:

- a. Mediation and/or Conciliation fail;
- b. Mediation and/or Conciliation does not reach an agreement; or
- c. Maladministration is found.

Article 37

- (1) Recommendation contain at least:
 - a. description of the Complaints submitted to the Ombudsman;
 - b. description of the results of the Investigation;
 - c. the form of Maladministration that occurred; and
 - d. conclusion and opinion of the Ombudsman on matters that need to be implemented by the Reported Parties, the Superior of the Reported Parties and/or related parties.
- (2) The format of the Recommendation contains at least:
 - a. number and date of the Recommendation;
 - b. identity of the parties concerned;
 - c. reasons and development of Recommendations;

- d. the substance of the Recommendation; and
- e. signature of the Chairperson of the Ombudsman.

Part Four Special Adjudication

Article 38

- (1) Special adjudication may be conducted for Complaint related to compensation settlement that cannot be resolved by Mediation and/or Conciliation.
- (2) Special adjudication is conducted after the Investigation process which states that Maladministration is found.

Article 39

Further provisions regarding adjudication are regulated by Ombudsman Regulation.

CHAPTER V MONITORING OF RESOLUTION COMPLAINTS

Part One Ombudsman Monitoring Forms

Article 40

The monitoring Process of the resolution of Ombudsman Complaints includes:

- a. monitoring of the implementation of Recommendations;
- b. monitoring of the implementation of Mediation agreement; and/or
- c. Conciliation.

Part Two

Monitoring of Implementation of Recommendations

Article 41

- (1) The Ombudsman may request information from the Reported Parties and/or the Superior of the Reported Parties, and conduct a field Investigation to ensure the implementation of the Recommendations.
- (2) Monitoring of the implementation of Recommendations is carried out within 60 (sixty) workdays from the date of receipt of the Recommendations.
- (3) The Ombudsman monitors the implementation of the Recommendations by the Reported Parties and/or the Superior of the Reported Parties to declare that the Reported Parties and/or the Superior of the Reported Parties has implemented the Recommendations, partially implemented the Recommendations or not implemented the Recommendations.
- (4) If within 60 (sixty) workdays the Recommendations are not implemented or partially implemented, and with improper reasons, the Ombudsman submits a Recommendations for

Sanctions to an official 2 (two) levels above the Reported Parties or an official who can impose administrative sanctions.

- (5) If the Reported Parties and/or the Superior of the Reported Parties do not implement the Recommendation, or only partially implement the Recommendation, Ombudsman may submit Complaints to the DPR and the President or DPRD and the Regional Head.
- (6) The Ombudsman may publicize the Reported Parties and/or the Superior of the Reported Parties who do not implement the Recommendations or partially implement the Recommendations without proper reasons by the Ombudsman.
- (7) The procedures for monitoring of Recommendations are further regulated by a Decision of the Chairperson of the Ombudsman.

Part Three

Monitoring of the Implementation of Mediation/Conciliation Agreement Results

Article 42

- (1) The Ombudsman monitors the Mediation/Conciliation Agreement Results in accordance with the minutes of the agreement.
- (2) Monitoring of the Mediation/Conciliation Agreement Results is carried out within 30 (thirty) workdays from the date the agreement is signed.
- (3) Monitoring of the Mediation/Conciliation Agreement Results is conducted through:
 - a. request for information to the Complainants, the Reported Parties, or the superior of the Reported Parties;
 - b. Field Investigation; and/or
 - c. request for evidence and/or related documents.
- (4) If the agreement results of the Mediation/Conciliation are not implemented or partially implemented, the Ombudsman follows up by issuing a Recommendation.

CHAPTER VI CLOSING PROVISION

Article 43

At the time this Ombudsman Regulation comes into force, Regulation of the Ombudsman of the Republic of Indonesia Number 2 of 2009 on Procedures for Investigation and Resolution of Complaints, is repealed and declared ineffective.

Article 44

This Ombudsman Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Ombudsman Regulation by its placement in the State Bulletin of the Republic of Indonesia.

Issued in Jakarta
on 24 July 2017

CHAIPERSON OF THE OMBUDSMAN OF
THE REPUBLIC OF INDONESIA,

signed

AMZULIAN RIFAI

Promulgated in Jakarta
on 26 July 2017

DIRECTOR GENERAL OF LEGISLATION OF THE MINISTRY OF LAW AND
HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2017 NUMBER 1035

Jakarta, 14 September 2023
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,

