

LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 37 OF 2008  
ON  
OMBUDSMAN OF THE REPUBLIC OF INDONESIA  
  
BY THE BLESSINGS OF ALMIGHTY GOD  
  
PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering: a. that the services to the community and the enforcement of law as conducted in the framework of state administration and the government constitute an inseparable part of the efforts for realizing a good, clean, and efficient governance to improve the welfare and realizing justice and legal certainty for all citizens, as referred to in the 1945 Constitution of the Republic of Indonesia;
- b. that the oversight of services as administered by the state and government administrators constitutes an important element in the efforts for realizing a good, clean, and efficient governance and simultaneously constitutes the implementation of the principle of democracy that needs to be developed and applied to prevent and eliminate the abuse of authority by the state administrator and government;
- c. that in having regard to the aspiration as developed in the community to realize the state and government administrators who are effective and efficient, fair, clean, open, and free from corruption, collusion, and nepotism, it is necessary to establish an institution named Ombudsman of the Republic of Indonesia;
- d. that based on the considerations as referred to point a, point b, point c, it is necessary to establish a Law on Ombudsman of the Republic of Indonesia;

- Considering : 1. Article 20 and Article 21 of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 28 of 1999 on State Administrators Who Are Clean and Free from Corruption, Collusion, and Nepotism (State Gazette of the Republic of Indonesia of 1999 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 3851);
3. Law number 32 of 2004 on Local Governments (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of

Indonesia Number 4437) as amended several times and last by Law Number 12 of 2008 on the Second Amendment to Law Number 32 of 2004 on Local Governments (State Gazette of the Republic of Indonesia of 2008 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 4844);

With the Joint Approval of  
THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA  
and  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAVE DECIDED:

To Issue: LAW ON OMBUDSMAN OF THE REPUBLIC OF INDONESIA.

## CHAPTER I GENERAL PROVISIONS

### Article 1

In this Law:

1. Ombudsman of the Republic of Indonesia, hereinafter is referred to as Ombudsman means a state institution that has the authority to oversee the delivery of public services organized by state and government administrators including those as organized by the State-Owned Enterprises, Local-Owned Enterprises, and State-Owned Legal Entities as well as private entities and individuals enterprises assigned of organizing certain Public Services, some or all of which are sourced from the state budget and /or local budget.
2. 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.
3. Maladministration means any behavior or action 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.
4. Grievance means a complaint or submission of facts resolved or followed up by the Ombudsman, which is submitted in writing or orally by any person who has been a victim of Maladministration.
5. Complainant means an Indonesian Citizen or resident who makes a Grievance to the Ombudsman.
6. Subject of Complaint means a State and government Administrator who has conducted Maladministration as reported to the Ombudsman.
7. Recommendation means a conclusion, opinion, and suggestion as formulated based on the result of Ombudsman's investigation to the superior of the Subject of Complaint for implementation and/or follow-up in order to improve the quality of good governance administration.

## CHAPTER II CHARACTER, PRINCIPLE, AND OBJECTIVE

### Article 2

Ombudsman is an independent state institution that has no organic relationship with other state institutions or government agencies, and in carrying out its duties and authority, it is free from interference by other powers.

### Article 3

Ombudsman in carrying out its duties and authority has the principles of:

- a. appropriateness;
- b. justice;
- c. non-discrimination;
- d. impartiality;
- e. accountability;
- f. balance;
- g. openness; and
- h. confidentiality.

### Article 4

Ombudsman has the objectives as follows:

- a. to realize a state of law that is democratic, just, and prosperous;
- b. to encourage state and government administration which are effective and efficient, fair, open, clean, and free from corruption, collusion, and nepotism;
- c. to improve the quality of state services in all sectors so as every citizen and resident gets better justice, security, and welfare;
- d. to help create and improve the efforts for the eradication and prevention of Maladministration, discrimination, collusion, corruption, and nepotism practices;
- e. to improve national legal culture, public awareness of law, and the supremacy of law in the essence of truth and justice.

## CHAPTER III LOCATION

### Article 5

- (1) The location of the Ombudsman is in the capital city of the Republic of Indonesia having geographical jurisdiction all over the territory of the Republic of Indonesia.
- (2) Ombudsman may establish its Ombudsman representatives in the province, and/or in the regency/city.
- (3) Further provisions regarding the establishment, composition, and work procedure of the Ombudsman representatives as referred to in section (2) are regulated by a Government Regulation.

## CHAPTER IV FUNCTIONS, DUTIES, AND AUTHORITY

### Part One Function and Duties

#### Article 6

Ombudsman has the function to oversee the administration of public services which are executed by State and government Administrators, both in central and local government including those executed by the State-Owned Enterprises, Local-Owned Enterprises, and State-Owned Legal Entities as well as private entities and individuals assigned of organizing certain public services.

#### Article 7

Ombudsman has the duties:

- a. to receive the Grievance on the alleged Maladministration in administering public services;
- b. to conduct a substantial investigation of the Grievance;
- c. to follow up the Grievance which is under the authority of Ombudsman;
- d. to conduct an own motion investigation on the alleged Maladministration in administering public services;
- e. to conduct coordination and cooperation with other state institutions or government agencies as well as community organizations and individuals;
- f. to establish network;
- g. to conduct the prevention of maladministration in administering public services; and
- h. to conduct other assignments as mandated by the law.

### Part Two Authority

#### Article 8

- (1) In performing the function and duties as referred to in Article 6 and Article 7, the Ombudsman has the authority:
  - a. to request information verbally and/or in writing from the Complainant, the Subject of Complaint, or other parties related to the Grievance as submitted to the Ombudsman;
  - b. to investigate the decision, correspondence, or other documents from the Complainant or the Subject of Complaint to obtain the truth of the Grievance;
  - c. to request clarification and/or copy or photocopy of documents as required from any agencies to investigate the Grievance of the agency as the Subject of Complaint;
  - d. to summon the Complainant, the Subject of Complaint, and other parties related to the Grievance;
  - e. to resolve the grievance through mediation and conciliation at the request of the parties;
  - f. to make a Recommendation on the resolution of Grievance, including the Recommendation for

- compensation and/or rehabilitation which is given to the disadvantaged party;
  - g. for the interest of public to publicize the result of findings, conclusions, and Recommendations.
- (2) In addition to the authority as referred to in section (1), the Ombudsman is authorized:
- a. to submit a suggestion to the President, head of region, or other State Administrator leaders for rectification and improvement of the organization and/or the procedure for public services;
  - b. to submit the suggestion to the House of Representatives and/or the President, Regional House of Representatives and/or head of region to make amendments to laws and other legislation to prevent Maladministration.

#### Article 9

In executing its authority, the Ombudsman is prohibited from interfering with the independence of judges in making a legal decision.

#### Article 10

In executing its duties and authority, the Ombudsman cannot be arrested, detained, interrogated, prosecuted, or sued before the court.

### CHAPTER V COMPOSITION AND MEMBERSHIP OF OMBUDSMAN

#### Part One Composition

#### Article 11

- (1) The Ombudsman consists of:
  - a. 1 (one) Chairperson concurrent as member;
  - b. 1 (one) Vice Chairperson concurrent as member; and
  - c. 7 (seven) members.
- (2) In the event that the Chairperson is impeded, the Vice Chairperson executes the duties and authority of the Chairperson.

#### Article 12

- (1) In executing its duties and authority, the Ombudsman is assisted by the assistant Ombudsman.
- (2) Assistant Ombudsman is appointed and dismissed by the Chairperson based on the decisions of Ombudsman member meeting.
- (3) Further provisions regarding the qualifications and procedures for appointment and dismissal as well as the duties and responsibilities of assistant Ombudsman are regulated by an Ombudsman Regulation.

#### Article 13

- (1) The Ombudsman is assisted by a secretariat led by a Secretary General.

- (2) The Secretary General is appointed and dismissed by the President.
- (3) The qualifications and procedures for appointment and dismissal of the Secretary General are implemented pursuant to the provisions of legislation on personnel.
- (4) Further provisions regarding the status, organizational composition, functions, duties, authority, and responsibilities of the Secretariat General are regulated by a Presidential Regulation.
- (5) The provisions regarding the managerial system of human resources of the Ombudsman are regulated by a Government Regulation.

## Part Two Membership

### Article 14

The Chairperson, Vice Chairperson, and members of Ombudsman are elected by the House of Representatives based on the candidates nominated by the President.

### Article 15

- (1) Prior to the submission of Ombudsman member candidates to the House of Representatives, the President forms selection committee of Ombudsman member candidates.
- (2) The selection committee as referred to in section (1) consists elements of government, law practitioner, academic, and public .
- (3) The selection committee has the following function:
  - a. to announce the registration for recruitment of Ombudsman member candidates;
  - b. to conduct the registration of Ombudsman member candidates within 15 (fifteen) workdays;
  - c. to conduct the administrative selection of Ombudsman member candidates within 10 (ten) workdays from the closing date of the registration announcement;
  - d. to announce the lists of the name of candidates to receive public feedback;
  - e. to conduct the quality and integrity selection of Ombudsman member candidates within 60 (sixty) workdays from the closing date of administrative selection;
  - f. to determine and submit the names of 18 (eighteen) persons of Ombudsman member candidates to the President within 30 (thirty) workdays from the closing date of the quality and integrity selection.
- (4) In executing the duties as referred to in section (3), the selection committee works transparently by considering public participation.

### Article 16

- (1) Within not later than 15 (fifteen) days from receiving names of candidates from the selection committee, the President proposes 18 (eighteen) names of Ombudsman member candidates as referred to in Article 15 section (3) point f to

- the House of Representatives.
- (2) The House of Representatives is obligated to elect and determine 9 (nine) candidates consisting of Chairperson, Vice Chairperson, and Ombudsman members within 30 (thirty) work days from the date the proposal is received from the President.
  - (3) The elected candidates of Chairperson, Vice Chairperson, and Ombudsman members are submitted by the Leaders of the House of Representatives to the President not later than 15 (fifteen) work days from the completion of the selection process for approval by the President.
  - (4) The President is obligated to endorse the appointment of elected candidates as referred to in section (3) not later than 14 (fourteen) workdays from the date of receipt of the letter from the Leaders of House of Representatives.

#### Article 17

The Chairperson, Vice Chairperson, and Ombudsman members serve a term of 5 (five) years and can be re-elected for only 1 (one) additional term.

#### Article 18

The Chairperson, Vice Chairperson, and Ombudsman members are entitled to income, an honorarium, and other rights as regulated by a Government Regulation.

#### Article 19

To be appointed as a Chairperson, Vice Chairperson, and Ombudsman members, a person must meet the requirements:

- a. be Indonesian citizen;
- b. be devoted to Almighty God;
- c. be physically and mentally healthy;
- d. hold a law degree or a degree in other field with expertise and experience for at least 15 (fifteen) years in law or government related to public service administration;
- e. be at least 40 (forty) years old and not older than 60 (sixty) years old;
- f. be capable, honest, possessing high moral integrity, and having good reputation;
- g. have knowledge on Ombudsman;
- h. have never been convicted by a court decision which is final and binding for a criminal offense punishable by imprisonment of 5 (five) years or more;
- i. have never engaged in disgraceful conduct; and
- j. not be an official of any political party.

#### Article 20

The Chairperson, Vice Chairperson, and Members of Ombudsman are prohibited from concurrently becoming:

- a. state officials or State Administrators as defined by legislation;
- b. entrepreneurs;
- c. members of management or employees of State-Owned Enterprise or Local-Owned Enterprise;
- d. civil servants;

- e. members of management of political party; or
- f. other professions.

#### Article 21

- (1) Prior to assuming office, the Chairperson, Vice Chairperson, and Members of Ombudsman must take an oath according to his/her religion or pledge before the President of the Republic of Indonesia.
- (2) The oath/pledge includes the following statements:
  - “I swear/pledge that in obtaining this position, by any name or means whatsoever, I have not offered or promised any inducement or bribe to anyone”.
  - “I swear/pledge to execute my duties as Chairperson/Vice Chairperson/member of the Ombudsman to the best of my abilities and in the most just manner”.
  - “I swear/pledge that I will never accept, directly or indirectly, any promise or gift from any party in relation to my duties.”
  - “I swear/pledge to uphold Pancasila and the 1945 Constitution of the Republic of Indonesia as well as all applicable legislation”.
  - “I swear/pledge to maintain confidentiality regarding any information acquired in the performance of my duties”.

#### Article 22

- (1) The Chairperson, Vice Chairperson, and Ombudsman Members cease to hold office due to:
  - a. the expiration of their term;
  - b. resignation;
  - c. death.
- (2) The Chairperson, Vice Chairperson, and Ombudsman Members are dismissed for:
  - a. residing outside the territory of the Unitary State of the Republic of Indonesia;
  - b. no longer meeting eligibility criteria as referred to in Article 19;
  - c. being pronounced to violate the oath/pledge;
  - d. abusing their authority as an Ombudsman member, based on a final court judgement;
  - e. being subject to prohibition on holding concurrent position as referred to in Article 20;
  - f. being convicted to criminal punishment by a court judgement that has attained final and binding decision;
  - g. being permanently or continuously unable to perform their duties for more than 3 (three) months.
- (3) In the event that the Chairperson resigns or is dismissed, the Vice Chairperson takes over the Chairperson's duties and authority until the end of the term of office.
- (4) The dismissal of the Chairperson, Vice Chairperson, and the Ombudsman members from their position in accordance with the provisions as referred to in section (2) is conducted by the President.



## CHAPTER VI GRIEVANCE

### Article 23

- (1) Any Indonesia citizen or resident is entitled to submit Grievance to the Ombudsman.
- (2) The Submission of Grievances as referred to in section (1) is free of charge or compensation in any form whatsoever.

### Article 24

- (1) The Grievance as referred to in Article 23 section (1) must comply with the requirements as follows:
  - a. mention full name, place and date of birth, marital status, occupation, and complete address of the Complainant;
  - b. mentioning the description of event, action, or decision complained in details; and
  - c. having submitted the Grievance directly to the Subject of Complaint or his/her superior, but such Grievance has not got any resolution properly.
- (2) Under particular circumstances, the name and identity of the Complainant may not be disclosed.
- (3) The event, action or decision as complained or reported as referred to in section (1) has not exceeded 2 (two ) years since the occurrence of the event, action or decision.
- (4) Under particular circumstances, the submission of Grievances can be executed by other parties with the power of attorney.

## CHAPTER VII PROCEDURES FOR INVESTIGATION AND RESOLUTION OF GRIEVANCES

### Article 25

- (1) The Ombudsman investigates the Grievance as referred to in Article 24.
- (2) In the event that the Grievance as referred to in section (1) is incomplete, the Ombudsman notifies in writing to the Complainant to complete the Grievance.
- (3) The Complainant, within 30 (thirty) days effective as of the date of the written notification, must complete the dossier of Grievance.
- (4) In the event that the Grievance has not been completed within the period as referred to in section (3), the Complainant is considered to withdraw his/her Grievance.

### Article 26

- (1) In the event that the dossier of the Grievance as referred to in Article 25 is declared complete, the Ombudsman immediately conducts a substantive investigation.
- (2) Based on the result of the substantive investigation as referred to in section (1), the Ombudsman may determine that the Ombudsman:
  - a. is not authorized to conduct further investigation, or
  - b. is authorized to conduct further investigation.

#### Article 27

- (1) In the event that the Ombudsman is not authorized to conduct further investigation as referred to in Article 26 section (2) point a, the Ombudsman notifies in writing to the Complainant within the period of 7 (seven) days as of the date of investigation result as signed by the Chairperson of Ombudsman.
- (2) The notification as referred to in section (1) may contain suggestion to the Complainant for filing his/her Grievance to other authorized agencies.

#### Article 28

- (1) In the event that the Ombudsman is authorized to conduct further investigation as referred to in Article 26 section (2) point b, the Ombudsman in conducting the investigation may:
  - a. summon in writing the Subject of Complaint, witnesses, expert, and/or interpreter for requesting further information;
  - b. request information to the Subject of Complaint, and/or conduct the field investigation.
- (2) The Ombudsman, in conducting a substantive investigation as referred to in section (1), may inspect the original document and request a copy of document related to the investigation.

#### Article 29

- (1) In investigating the Grievance, the Ombudsman is obligated to comply with the principles of independence, non-discrimination, impartiality and no charge.
- (2) In addition to the principle as referred to in section (1), the Ombudsman is obligated to listen to and consider the opinion of the parties as well as facilitate the Complainant in delivering his/her explanation.

#### Article 30

- (1) The Ombudsman in conducting the investigation is obligated to maintain the confidentiality, except for the public interests.
- (2) The obligation to maintain the confidentiality as referred to in section (1) remains effective after the Ombudsman has retired or has been dismissed from his/her position.

#### Article 31

In the event that the Subject of Complaint and the witness as referred to in Article 28 section (1) point a having been summoned 3 (three) consecutive times fail to fulfill the summon with a legitimate reason, the Ombudsman may ask for the aid of the National Police of the Republic of Indonesia to compel the relevant person.

#### Article 32

- (1) The Ombudsman may order the witness, the expert, and interpreter to take oath or pledge prior to giving the testimony and/or performing their duties.
- (2) The wording of oath/pledge as taken by the witness as referred to in section (1) reads as follows:  
“In the name of Allah/God, I swear/affirm that I will tell the whole truth and nothing but the truth for every and all of my testimony”.
- (3) The wording of the oath/pledge as taken by the expert and the interpreter, as referred to in section (1), reads as follows:  
“In the name of Allah/God, I swear/affirm that I will perform my duty impartially and that I will perform my duty professionally and truly”.

#### Article 33

- (1) In the event that the Ombudsman requests an explanation in writing to the Subject of Complaint as referred to in Article 28 section (1) point b, the Subject of Complaint must give explanation within the period of not later than 14 (fourteen) days as the date of request for explanation.
- (2) In the event that within the period of not later than 14 (fourteen) days as referred to in section (1) the Subject of Complaint fails to give the written explanation, the Ombudsman requests for the second time in writing to the Subject of Complaint.
- (3) In the event that the request for explanation in writing as referred to in section (2) within the period of not later than 14 (fourteen) days has not been complied with, the Subject of Complaint is considered of waving the right to response.

#### Article 34

In conducting the field investigation as referred to in Article 28 section (1) point b, the Ombudsman may investigate the object of public service without advance notice to the official or agency complained in accordance with the provisions of legislation, orders, and ethics.

#### Article 35

The results of Ombudsman's investigation may be in the form of:

- a. rejecting the Grievance; or
- b. accepting the Grievance and issuing the Recommendation.

#### Article 36

- (1) The Ombudsman rejects the Grievance as referred to in Article 35 point a in the event that:
  - a. the Complainant has never filed such objection, both orally and in writing, to the party as subject of complaint;
  - b. the substance of the Grievance is currently under and has become the object of judicial proceedings, unless such Grievance is related to Maladministration in the trial process;
  - c. the Grievance under the process of resolution by the agency complained and according to the Ombudsman

- its process of resolution is within proper period of time;
  - d. the Complainant has obtain the resolution from the agency complained;
  - e. the substance complained is not under the Ombudsman authority;
  - f. the substance complained has been resolved by Ombudsman mediation and conciliation under mutual agreement of the parties; or
  - g. any Maladministration is not found.
- (2) The rejection as referred to in section (1) is notified in writing to the Complainant and the Subject of Complaint within the period of not later than 14 (fourteen) days as of the date of the investigation results signed by the Chairperson of Ombudsman.

#### Article 37

- (1) The Ombudsman receives the Grievance and issues the Recommendation as referred to in Article 35 point b in the event of finding any Maladministration.
- (2) The Recommendation as referred to in section (1) contains at least:
- a. description of the Grievance filed to the Ombudsman;
  - b. description on the investigation results;
  - c. classification of Maladministration; and
  - d. conclusion and suggestion of the Ombudsman on the matters that need to be executed by the Subject of Complaint and his/her superior.
- (3) The Recommendation as referred to in section (2) is submitted to the Complainant, the Subject of Complaint and the superior of the Subject of Complaint within a period of not later than 14 (fourteen) days as of the date of issuing the Recommendation signed by the Chairperson of Ombudsman.

#### Article 38

- (1) The Subject of Complaint and his/her superior is obligated to comply with the Recommendation of Ombudsman.
- (2) The superior of the Subject of Complaint is obligated to submit a report to the Ombudsman on the compliance with the Recommendation that has been conducted along with the result of the investigation within the period of not later than 60 (sixty) days as the date of receipt of the Recommendation.
- (3) The Ombudsman may request to the Subject of Complaint and/or his/ her superior and conduct the field investigation to ensure the compliance with the Recommendation.
- (4) In the event that the Subject of Complaint and his/her superior fail to comply with the Recommendation or have only complied with some parts of the Recommendation without legitimate reason, the Ombudsman may publish the superior of the Subject of Complaint and submit the reports to the House of Representatives and the President.

Article 39

The Subject of Complaint and his/her superior violating the provisions as referred to in Article 38 section (1), section (2) or section (4) are subject to the administrative sanction in accordance with the provisions of legislation.

Article 40

The Chairperson, Vice Chairperson, and members of Ombudsman are prohibited from investigating Grievance or information containing or causing a conflict of interest.

Article 41

Further provisions regarding the procedures for investigation and resolution are regulated by an Ombudsman Regulation.

CHAPTER VIII  
PERIODICAL REPORTS AND ANNUAL REPORT

Article 42

- (1) The Ombudsman submits periodical reports and annual report to the House of Representatives and the President.
- (2) The periodical reports are submitted every 3 (three) months and the annual report is submitted in the first month of the following year.
- (3) The Ombudsman may submit special reports to the House of Representatives and the President, other than the periodical reports and annual report as referred to in section (2).
- (4) The annual report as referred to in section (1) is published after it is submitted to the House of Representatives and the President.
- (5) The annual Report as referred to in section (4) at least contains the following:
  - a. number and classification of the Grievance as received and handled during the period of 1 (one) year;
  - b. officials or agencies which are unwilling to comply with the request and/or to perform the recommendation;
  - c. officials or agencies which is unwilling or fail to conduct an investigation into the officials who receive the Grievance, not taking any administrative measures or other legal action against the officials who have been proven guilty;
  - d. defense or denial from the superior of the officials who receive the Grievance or from the officials who receive the Grievance themselves;
  - e. number and classification of Grievance which is rejected for investigation because it does not comply with the requirements as referred to in Article 24 section (1), and Article 36 section (1);
  - f. financial report; and
  - g. activities which have been executed or not and other matters that should be reported necessarily.

## CHAPTER IX OMBUDSMAN REPRESENTATIVES IN REGIONS

### Article 43

- (1) If deemed necessary, the Ombudsman may establish an Ombudsman representative in the province or in the regency/city.
- (2) The Ombudsman representative as referred to in section (1) has hierarchical relationship with the Ombudsman and will have a head of the representative.
- (3) The head of the representative as referred to in section (2) is assisted by the assistant Ombudsman.
- (4) The provisions regarding the function, duty, and authority of Ombudsman are *mutatis mutandis* applicable to the Ombudsman representative.

## CHAPTER X CRIMINAL PROVISIONS

### Article 44

Any person obstructing the Ombudsman in conducting the investigation as referred to in Article 28 is sentenced with imprisonment for a maximum of 2 (two) years or a fine of up to Rp1,000,000,000.00 (one billion rupiah).

## CHAPTER XI TRANSITIONAL PROVISIONS

### Article 45

At the time this Law comes into force:

- a. the National Ombudsman Commission as established pursuant to Presidential Decision Number 44 of 2000 on the National Ombudsman Commission is regarded as Ombudsman according to this Law;
- b. the Chairperson, Vice Chairperson, members of Commissioner of the National Ombudsman Commission as established pursuant to Presidential Decision Number 44 of 2000 on National Ombudsman Commission remains in executing functions, duties, and authority according to this Law up to the appointment of the new members of Ombudsman;
- c. all Grievances which are under investigation by the National Ombudsman Commission are continued for their resolution according to this Law;
- d. within the period of not later than 1 (one) year as the date of enactment of this Law, the composition of organization, membership, duties, and authority as well as the provisions regarding the operating procedures for investigation and resolution of Grievances of the National Ombudsman Commission are adjusted to this Law.

### Article 46

- (1) At the time this Law comes into force, the name of "Ombudsman" which has been used as the name of agency, institution, legal entity, publication or others which do not

constitute Ombudsman Institution performing the functions and duties according to this Law must be replaced by other name within the period of not later than 2 (two) years as of the date this Law takes effect.

- (2) The agency, institution, legal entity, publication or others which fail to comply with the provisions as referred to in section (1) are regarded as illegally using the name of “Ombudsman”.

## CHAPTER XII CLOSING PROVISION

### Article 47

This Law comes into force on the date of its promulgation.

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

Enacted in Jakarta  
on 7 October 2008

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta  
on 7 October 2008

MINISTER OF LAW AND HUMAN RIGHTS  
OF THE REPUBLIC OF INDONESIA,

signed

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2008 NUMBER 139

Jakarta, 2 October 2025  
Has been translated as an Official Translation  
on behalf of the Minister of Law  
of the Republic of Indonesia  
DIRECTOR GENERAL OF LEGISLATION,



DHAHANA PUTRA



ELUCIDATION  
OF  
LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 37 OF 2008  
ON  
OMBUDSMAN OF THE REPUBLIC OF INDONESIA

I. GENERAL

Reformation mandates changes in the life of the state, nation, and society, namely a life based on a democratic state and government administration to improve welfare and realize justice and legal certainty for all citizens as referred to in the 1945 Constitution of the Republic of Indonesia.

Before the reformation, the state administration and government were marked by maladministration practices, including corruption, collusion, and nepotism, so it was absolutely necessary to reform the state and government bureaucracy to realize the state administration and governance which are effective and efficient, fair, clean, open, and free from corruption, collusion, and nepotism. Good state administration and government can only be achieved by improving the quality of the state and governance apparatus and upholding the principles of good public governance. For good governance and efforts to improve public services and law enforcement, it is necessary to have an external oversight institution that can effectively control the duties of State Administrators and the government.

Internal supervision conducted by the government itself during its implementation did not fulfill the community's expectations, both in terms of objectivity and accountability. From the above conditions, in 2000, the President attempted to realize the reform of state administration and government by establishing the National Ombudsman Commission through Presidential Decision Number 44 of 2000. The National Ombudsman Commission aims to help create and develop conducive conditions for the eradication of corruption, collusion, and nepotism and to improve the protection of the community's right to public services, justice, and welfare.

To further optimize the functions, duties, and authority of the National Ombudsman Commission, it is necessary to establish a law on the Ombudsman of the Republic of Indonesia as a clearer and stronger legal basis. This is also in accordance with the mandate of the People's Consultative Assembly Decision Number VIII/MPR/2001 on

Recommendations on Policy Directions for the Eradication and Prevention of Corruption, Collusion, and Nepotism, which is one of them orders the establishment of an ombudsman by law.

Before the existence of the National Ombudsman Commission, public service complaints were only submitted to the reporting agency, and the handling was often carried out by the reporting official, so that the community did not receive adequate protection. In addition, to resolve public service complaints, so far, this has been done by filing a lawsuit through the courts. Settlement through the court takes a long time and costs a lot of money. For this reason, a separate institution is needed, namely the Ombudsman of the Republic of Indonesia, which can handle public service grievances easily and free of charge. The Ombudsman of the Republic of Indonesia is a state institution that, in carrying out its duties and authority, is free from interference by other powers.

In this Law, it is affirmed that the Ombudsman of the Republic of Indonesia means state institution that has the authority to oversee the delivery of public services organized by state and government administrators including those as organized by the State-Owned Enterprises, Local-Owned Enterprises, and State-Owned Legal Entities as well as private entities and individuals enterprises assigned of organizing certain Public Services, some or all of which are sourced from the state budget and/or local budget.

The duties of delivering certain public services, which are carried out by the private entities or individual enterprises, include work carried out by the private entities or individual enterprises based on contracts financed from the state budget or local budget.

This Law specifies the guidelines for the Ombudsman in carrying out its duties and authority based on several principles, namely appropriateness, justice, non-discrimination, impartiality, accountability, balance, openness, and confidentiality. This Law regulates the duties of the Ombudsman, including investigating Grievances of alleged maladministration in delivering public services. 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.

In the execution of the task of investigating the Grievances, the Ombudsman is required to follow the principles of independence, non-discrimination, impartiality, and free of charge, and is required to listen to and consider the opinions of the parties and facilitate the Complainant. Therefore, the Ombudsman in investigating the report does not only prioritize the forceful authority, for example, summoning, but the Ombudsman is required to prioritize a persuasive approach to the parties so that the State Administrators and the government have their own awareness to resolve the report on alleged maladministration in the delivery of public services. By using this approach, it means that not all reports must be resolved through the recommendation mechanism. This

is what distinguishes the Ombudsman from law enforcement agencies or courts in resolving Grievances.

In investigating the Grievances received, the Ombudsman may summon the Subject of Complaint and witnesses for questioning. If the Subject of Complaint and witnesses have been summoned 3 (three) consecutive times fails to fulfill the summon with a legitimate reason, the Ombudsman may ask for the aid of the National Police of the Republic of Indonesia to compel the relevant person (subpoena power).

This Law also stipulates that the Ombudsman submit periodical reports and annual reports or may submit special reports to the House of Representatives and the President, which can be used as material for the House of Representatives or the President to make policies in building better public services.

To facilitate the implementation of the Ombudsman's duties and authority in the regions, if deemed necessary, the Ombudsman may establish an Ombudsman representative in province or regency/municipality that has a hierarchical relationship with the Ombudsman and is led by a head of representative.

To enforce this Law, administrative and criminal sanction impositions are regulated. Administrative sanctions are applied to the Subject of Complaint and the Subject of Complaint's superior who do not implement the Ombudsman's Recommendation, while criminal sanctions are applied to any person who obstructs the Ombudsman in conducting an investigation.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

The term "Organic Relationship" means a structural or hierarchical relationship with state institutions or other Institutions.

### Article 3

Sufficiently clear.

### Article 4

#### Point a

The term "state of law" means a state in which all aspects of the life of society, nation, and state, including in the administration of government, must be based on the law and general principles of good governance aimed at improving democratic life that is prosperous, equitable, and responsible.

#### Point b

Sufficiently clear.

#### Point c

Sufficiently clear.

#### Point d

Sufficiently clear.

Point e  
Sufficiently clear.

Article 5  
Sufficiently clear.

Article 6  
Sufficiently clear.

Article 7  
Sufficiently clear.

Article 8  
Section (1)

Point a  
Sufficiently clear.

Point b  
Sufficiently clear.

Point c  
Sufficiently clear.

Point d  
Sufficiently clear.

Point e  
Sufficiently clear.

Point f  
Sufficiently clear.

Point g  
The provision regarding the announcement of findings, conclusions, and Recommendations is not an obligation for the Ombudsman.

Section (2)  
Sufficiently clear.

Article 9  
Sufficiently clear.

Article 10  
This provision does not apply if the Ombudsman commits a violation of the law.

Article 11  
Sufficiently clear.

Article 12  
Section (1)  
In this provision, the number of assistant Ombudsman is adjusted to the needs.  
Section (2)  
Sufficiently clear.  
Section (3)  
Sufficiently clear.

Article 13  
Sufficiently clear.

Article 14  
Sufficiently clear.

Article 15  
Section (1)  
Sufficiently clear.  
Section (2)  
The selection committee consists of elements of government, legal practitioner, academic, and public, who are selected based on capacity and expertise.  
Section (3)  
Sufficiently clear.  
Section (4)  
Sufficiently clear.

Article 16  
Sufficiently clear.

Article 17  
Sufficiently clear.

Article 18  
Sufficiently clear.

Article 19  
Point a  
Sufficiently clear.  
Point b  
Sufficiently clear.  
Point c  
Sufficiently clear.  
Point d  
Sufficiently clear.  
Point e  
In this provision, age is calculated as of the date of registration.  
Point f  
Sufficiently clear.  
Point g  
Sufficiently clear.  
Point h  
Sufficiently clear.  
Point i  
Sufficiently clear.  
Point J  
The term "official of any political party" means the daily executive, both at the central and regional levels. The requirement not to be an official of a political party is carried out with a statement letter of willingness to resign if appointed as a member of the Ombudsman.

Article 20  
Point a  
Sufficiently clear.

Point b

The term "entrepreneurs" means persons who have a business whose business field has the potential to cause a conflict of interest with the duties and authority of the Ombudsman.

Point c

Sufficiently clear.

Point d

The term "civil servants" refers to civil servants as referred to in the legislation in the field of personnel affairs.

Point e

See the explanation of Article 19 point j.

Point f

The term "other professions" means, among others, physicians, accountants, advocates, notaries, and Land Deed Officials.

Article 21

Sufficiently clear.

Article 22

Section (1)

Sufficiently clear.

Section(2)

Point a

Sufficiently clear

Point b

Sufficiently clear

Point c

Sufficiently clear

Point d

Sufficiently clear

Point e

Sufficiently clear

Point f

Sufficiently clear.

Point g

The term "permanently unable to perform" means, among other things, illness or neglect of duty.

Section (3)

Sufficiently clear

Section (4)

Sufficiently clear

Article 23

Sufficiently clear.

Article 24

Section (1)

Point a

Sufficiently clear

Point b

Sufficiently clear

Point c

The term "properly" means that the Subject of Complaint slows down the settlement, does not complete the settlement according

to internal procedures at the agency as Subject of Complaint, the response or follow-up has not resolved the Maladministration that occurs or does not receive at all a response

Section (2)

Sufficiently clear

Section (3)

Sufficiently clear

Section (4)

The term "can be executed by other parties with power of attorney" means that in submitting the Complainant's Grievance to other parties, the persons with power of attorney must not be an advocate or a person with specific qualifications as required in court proceedings.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Section (1)

Sufficiently clear.

Section (2)

The term "is obligated to listen to and consider the opinion of the parties" means to be done carefully and attentively, by prioritizing a persuasive approach.

Article 30

Section (1)

The term "public interests" means the interests of the nation and state and/or the interests of the wider community.

Section (2)

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Section (1)

Point a

The term "party" means the official and/or agency concerned.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

This provision is intended to avoid the submission of a Grievance by the same person regarding the same issue that was resolved by the Ombudsman, among others, by way of mediation and conciliation.

Point g

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 37

Sufficiently clear.

Article 38

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term "publish" in this provision is done through the mass media, both printed and electronic media.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

In this provision, the regulations regarding the procedures for investigating and resolving a Grievance regulated by the Ombudsman regulations include arrangements for the implementation of Recommendations.

Article 42

Section (1)

The report submitted by the Ombudsman is not a form of accountability to either the House of Representatives or the President. However, it can be used as material for both the House of Representatives and the President to make policies in building better public services.



Section (2)

Sufficiently clear.

Section (3)

The term "special reports" means, among other things, Grievances of public concern and reports submitted to the House of Representatives and the President, which are immediately followed up on.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 43

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term "mutatis mutandis" means that the provisions concerning the functions, duties, and authority of the Ombudsman that apply to the Ombudsman also apply to the Ombudsman representative with the necessary changes made.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.