**Policy in The Framework of Strengthening The Ombudsman Regarding The Implementation of Recommendations**

**ABSTRACT:** *The Ombudsman of the Republic of Indonesia (ORI) plays a crucial role in overseeing public services to ensure the principles of Good Governance. Established through Law Number 37 of 2008, ORI is tasked with addressing maladministration and ensuring compliance with public service standards. However, the implementation of its recommendations remains inconsistent, with many cases of non-compliance by government agencies. This study aims to analyze the policies required to strengthen ORI’s authority in enforcing its recommendations. Utilizing a normative juridical approach, this research examines the legal framework governing ORI’s functions, particularly in relation to Law Number 37 of 2008, Law Number 25 of 2009 on Public Services, and Law Number 23 of 2024 on Regional Government. Additionally, the study integrates Friedman’s Legal System Theory and Reputation Theory in Public Relations to assess legal substance, structure, and culture in shaping ORI’s effectiveness. Findings indicate that although ORI’s recommendations are legally binding, their enforcement lacks strong execution mechanisms. Comparative analysis with ombudsman institutions in Australia, Spain, Finland, and Norway suggests that granting executorial authority, enhancing legal protection for ORI personnel, and establishing stronger cooperation with law enforcement agencies could significantly improve compliance. Furthermore, communication strategies to align public perception with government accountability are crucial in reinforcing ORI’s influence. This study concludes that policy reform is necessary to ensure the enforcement of ORI’s recommendations, ultimately strengthening public trust and governance quality in Indonesia.*

**Keywords:** *Ombudsman; Public Services; Maladministration; Good Governance; Legal Reform; Law Enforcement*

1. **INTRODUCTION**

The establishment of the Republic of Indonesia Ombudsman (ORI) in 2008 based on Law Number 37 of 2008, which was previously initiated by the National Ombudsman Commission (KON) which was established based on Presidential Decree Number 44 of 2000, is a form of Indonesia's seriousness in carrying out bureaucratic arrangements in order to move towards Good Governance through the provision of good public services. This is also an implementation of a democratic country, where the highest power lies with the community, and the Ombudsman is an institution that involves the community to supervise the performance of government officials in providing public services. The state is obliged to provide good public services to the community who have entrusted the running of government to officials. At the same time, it is also to prevent maladministration, because in a country that adheres to a welfare state, the more government intervention there is in community affairs, supervision involving the community is needed.

The establishment of KON on March 10, 2000, was based on 3 main ideas, namely (1) community participation in supervising the performance of state administrators, (2) empowerment of supervision by the community, and (3) the government is obliged to provide good services (Bengkulu, 2018). Before the establishment of KON, the community was not adequately protected because the resolution of public service complaints was resolved by the reported agency. In accordance with its vision as an effective, trusted and fair supervisory institution in order to realize quality public services, of course the results of the resolution of public complaints related to maladministration, in the form of recommendations, are worthy of being monitored for their implementation. Article 38 of Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, requires the reported party and the reported party's superior to implement the recommendations and sanctions will be imposed on those who violate as regulated in Article 39. However, in practice there are still Ombudsman recommendations that have not been, only partially or even not implemented, as presented in the following table.

The following graph explains In 2021, the number of reports received reached 7,186 cases. The most common type of maladministration was Prolonged Delay with 2,401 reports (33.42%), followed by Failure to Provide Services with 2,049 reports (28.52%) and Procedural Deviations with 2,131 reports (21.31%). The agencies most frequently reported were Regional Governments with 2,435 cases (33.89%), followed by the National Land Agency and the Police with 808 (11.24%) and 666 reports (9.28%), respectively. Follow-up actions carried out this year reached 6,421 cases. In 2022, the number of reports increased sharply to 22,197 cases. The most dominant maladministration remained Prolonged Delay with 1,456 reports (6.56%), followed by Failure to Provide Services with 1,242 reports (5.60%). Regional Government is again the most reported agency with 4,008 cases (18.06%), while the National Land Agency is in second place with 878 reports (3.96%). Follow-up actions have increased to 8,292 cases. This data shows that the number of reports has increased significantly from 2021 to 2022. Maladministration related to public services is still the main complaint, with Regional Government being the most frequently reported agency. This indicates the need to improve the quality of public services and stricter supervision of agencies that are frequently reported with this figure presented below.

**Figure 1. Ombudsman Report 2021-2023**

The figure below explains that in 2021 there were recommendations that were not implemented (red), in 2022 there was 1 recommendation that was implemented (green) and 2 recommendations that were partially implemented (blue), and in 2023 there was 1 recommendation that was implemented and 2 recommendations that were partially implemented. The figure below shows that there are still efforts to ignore the Ombudsman's recommendations, and this of course actually distances Indonesia from achieving Good Governance. Based on these conditions, it is necessary to strengthen the Ombudsman Institution as a community-based public service supervisor through a government policy, because the Ombudsman is currently a magistrature of sanction which is different from the KON period, where the Ombudsman was only a magistrature of influence. The formulation of government policies is intended to strengthen the position of the Ombudsman's recommendations, so that there are no more public service providers who ignore the Ombudsman's recommendations. The identified problem constitutes the conceptual foundation of this study and will be critically analyzed within the framework of Lawrence M. Friedman’s legal system theory, which includes 3 (three things), namely: substance, structure and legal culture and reputation theory in PR which emphasizes that reputation is a valuable asset for organizations, including government institutions (Wignjosoebroto, 2012). Reputation is built based on public perception of the performance, values, and integrity of an institution. According to Helm et al. (2011), reputation refers to the collective perception of an organization's conduct and its interactions with stakeholders, which develops and solidifies over time. In other words, image is generally associated with perceptions that are in the minds of people or stakeholders.

**Figure 2. Ombudsman Monitoring Result 2021-2023**

Legal substance is the basis for examining the regulatory side of Law Number 37 of 2008, Law Number 25 of 2009 and Law Number 23 of 2024 concerning Regional Government. The relationship between the three laws is because the maladministration that is the concern of ORI begins with the existence of public services regulated in Law Number 25 of 2009. Meanwhile, the problem of maladministration often occurs in the regional government sector, where the initial report is to the Ombudsman of the Republic of Indonesia Representative in a Province, which then if it is not resolved in the realm of the Representative Office, it is submitted to ORI in Jakarta to then issue a Recommendation. Meanwhile, related to the legal structure, it is based on Article 38, 39 of Law Number 37 of 2008 which states that if the recommendation is not implemented, sanctions will be imposed by the superior official of the Reported Party. Furthermore, related to legal culture, the reasons for the Reported Party not implementing the recommendation will be examined. The study of legal culture will be linked to communication theory, so that in the end a policy draft will be created to avoid the reported party not implementing recommendations.

1. **METHOD**

The research adopts a normative juridical methodology, grounded in a statutory approach to analyze legal principles and regulations. Normative juridical research employing a statutory approach concentrates on analyzing prevailing legal norms and regulations, while also exploring fundamental legal principles, legal doctrines, historical developments, and comparative legal systems as necessitated by the research objectives (Fajar, 2010). This research examines law as a system of norms written in statutory regulations, court decisions, doctrines, and legal principles.

**III. RESULT AND DISCUSSION**

**3.1 Maladministration in Public Services**

In a state of law, protection of citizens is an absolute requirement. For this reason, the state is obliged to provide excellent public services to the community considering the global challenges and transformation of values that have a broad impact on various areas of human life, where the scope is quite broad as described in Article 1 paragraph (1) of Law Number 25 of 2009, that "public services are activities or series of activities in order to fulfill service needs in accordance with laws and regulations for every citizen and resident for goods, services, and/or administrative services provided by public service providers." The purpose of issuing Law Number 25 of 2009 as stated in Article 3 are:

1. The establishment of well-defined boundaries and relationships concerning the rights, responsibilities, obligations, and authorities of all stakeholders involved in public service delivery;
2. The development of a public service delivery system that adheres to the fundamental principles of good governance and corporate standards;
3. The assurance that public services are delivered in compliance with applicable legal and regulatory frameworks;
4. The provision of legal protection and certainty for citizens in accessing public services.

Excellent public service literally means very good service or the best service in accordance with applicable provisions. If there is a public service that is not appropriate, this is categorized as maladministration (Ariyani, 2010).

The forms of maladministration that is within the authority of ORI to follow up on are;

1. Protracted delay; 2. Not handling; 3. Conspiracy; 4. Forgery; 5. Beyond competence; 6. Incompetent; 7. Abuse of authority; 8. Act arbitrarily; 9. Corruption; 10. Collusion and Nepotism; 11. Procedural deviation; 12. Neglect of obligations; 13. Acting inappropriately; 14. Embezzlement of evidence; 15. Unauthorized possession; 16. Act unfairly; 17. Intervention; 18. Clearly taking sides; 19. Violation of the law; 20. Act against the law.

While certain public services may be delivered by state-owned enterprises (BUMN), regionally owned enterprises (BUMD), state legal entities (BHMN), or even private entities and individuals—particularly when their operations are partially or wholly funded by the state or regional budget (APBN/APBD)—the majority of public services are nonetheless administered directly by the government. The form of maladministration carried out by government officials is generally due to the existence of:

1. Misconduct, which is doing something in the office that is contrary to the interests of the office.
2. Deceitful practice, which is the practice of lying, being dishonest towards the public. The public is presented with misleading information, information that is not true, for the benefit of bureaucrats.
3. Corruption resulting from the abuse of entrusted authority encompasses the deviation of power from its legally designated purposes, whereby such misuse serves to unlawfully benefit an individual, a group, or a corporate entity, ultimately causing financial harm to the state.
4. A policy can be considered ineffectively implemented when it culminates merely in legislative deliberation or ratification, without subsequent translation into practical execution or observable impact.
5. Bureaupathology are bureaucratic diseases consisting of:
6. Indecision, which is the absence of a clear decision on a case;
7. Indecision, which is the absence of a clear decision on a case;
8. Cicumloution, which is only giving promise;
9. Rigidity which is rigid bureaucratic service;
10. Psychophancy which is the tendency to suck up to one's superiors.
11. Overstaffing namely in the form of staff swelling.
12. Paperasserie namely the tendency to use a lot of paper but not according to it’s function.
13. Defective accounting namely defective/duplicate financial audits.

The occurrence of maladministration begins with a failure to provide public services, which according to Rondinelli. DA in Abi Ma'ruf Radjab, Binding Power of Ombudsman Adjudication Decisions in the Process of Resolving Public Service Disputes, is caused by: 1. A strong commitment to a narrow-minded political culture; 2. A lack of trained and skilled workers in local; 3. A lack of funding sources to carry out tasks and responsibilities; 4. An attitude of reluctance to delegate authority; and 5. A lack of technological and physical infrastructure to support the implementation of public service tasks.

**3.2 Implementation of the Ombudsman’s Recommendations**

The change in the legal basis of the Ombudsman has an impact on several things, including that KON is categorized as an Executive Ombudsman because it was formed based on Presidential Decree Number 44 of 2000 so that it is responsible to the President, while ORI is a Legislative Ombudsman because it was formed based on Law Number 37 of 2008. In both legal bases, there are also differences related to recommendations, where during the KON era, the Ombudsman issued many recommendations, almost every reporting settlement, the output was a recommendation. However, as with the meaning of recommendations, it is advice or suggestions then there is no compulsion for the reported party to carry out (A, 2020). This is also supported by the basic principles of the Ombudsman, which is a law profile and places more emphasis on moral binding (Masthuri, 2005). Meanwhile, during the ORI period based on Article 38,39 of Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, the Reported Party and the Reported Party's Superior are required to implement the recommendations. So that the Ombudsman's Recommendation based on Law Number 37 of 2008 is a legal product and legally binding which is legally binding, as well as a moral force which is mandatory to be implemented (Ombudsman, 2023).

Strengthening the Ombudsman to be able to force the Reported Party or the Reported Party's Superior to implement the Recommendation requires seriousness from the government, namely by making a policy to support this. The Commonwealth Ombudsman in Australia uses discretionary powers (Stuhmcke, 2008). If we look at the European continent, Spain with its monarchy system of government has the which functions as an independent supervisor who has the task of protecting the fundamental rights Defensor del Pueblo of citizens in their interactions with public administration. This institution has a function that is not much different from the Ombudsman institution in other countries, the recommendations given are not legally binding but the government must provide a written response. The Defensor del Pueblo can refer cases to court if necessary. The Defensor del Pueblo also functions as a high commissioner appointed by the Cortes Generales (Spanish Parliament) and is responsible for reporting to Parliament regarding human rights violations and public administration problems (Luis & Francesch, 1978).

In other European countries, we can find several countries that have binding Ombudsman recommendations, namely Finland (Eduskunta Ombudsman) and Norway with Sivilambudsmannen. Both Ombudsman institutions have binding recommendation policies. The Eduskunta Ombudsman in Finland in the context of supervision of the judicial institution has significant control and supervision powers over the courts, including the ability to determine the accountability of judges and carry out functions similar to prosecutors. The Ombudsman in Finland also has the right to file charges against judges who violate the law in carrying out their duties. However, they do not have the power to change or cancel court decisions (Mikuli, 2017). Slightly different from the Civil Ombudsman in Norway, although the recommendations issued are not legally binding, there is an element of coercion in the recommendations to be followed up and are often an important consideration for government agencies in correcting administrative errors (Rakitskaya, 2018).

From a regulatory perspective, the Ombudsman of the Republic of Indonesia can be considered one of the most authoritative ombudsman institutions globally, as it operates under Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia, Law No. 25 of 2009 on Public Services, and additional legislation governing regional administration. Accordingly, there appears to be no justifiable basis for disregarding the ombudsman's recommendations. One of the supporting factors is the need to strengthen law enforcement. Law enforcement is the embodiment of das sollen (idea) towards das sein (real), where law enforcement does not work in a vacuum but interacts with the social environment (Ompu Jainah, 2012). Law enforcement in Indonesia encounters several challenges including: 1. The law or regulation itself; 2. The mindset and professionalism of law enforcement personnel; 3. Inadequate institutional and infrastructural support; and 4. Legal awareness, legal compliance and the behavior of citizens (Hasaziduhu Moho, 2019). Jimly Assyidiqi conceptualizes law enforcement from both subject and object perspectives. From the subject perspective, law enforcement may be broadly defined as actions undertaken by all legal subjects within various legal relationships. However, in a narrower interpretation, it refers specifically to the responsibilities of designated law enforcement authorities in ensuring the proper implementation and compliance with legal norms. In ensuring the enforcement of the law, if necessary, law enforcement officers are permitted to use coercive power. Second, from the object's perspective, namely from the legal aspect. In a broad sense, law enforcement also includes the values of justice contained in the formal rules and the values of justice that live in society. While in a narrow sense, law enforcement only concerns the enforcement of formal and written regulations. The successful implementation of law enforcement measures is closely tied to the ability to ensure that both the Reported Party and their superior adhere to the Ombudsman's recommendations. For this reason, a good and effective communication method is needed.

**3.3 Communication as An Effort to Align Perceptions**

Many organizations or institutions are concerned with how they are perceived by others, or the image created by the organization's key stakeholders. Image is not something that belongs to the organization. But stakeholders own the image of the organization. Organizations often reflect on the assessments of their stakeholders, creating an image of themselves that is not necessarily true (Tench & Yeomans, 2013). Reputation theory in Public Relations emphasizes that reputation is a valuable asset for organizations, including government agencies. Reputation is built based on public perception of an institution's performance, values, and integrity. Reputation refers to the collective perception of an organization's conduct and its interactions with stakeholders, which develops progressively over time. In other words, image is generally associated with perceptions that are in the minds of people or stakeholders. More completely, image is an accumulation of the interaction of beliefs, ideas, feelings, and impressions of a person towards an object (Van Riel & Fombrun, 2007). In this context:

1. Public Expectations and Accountability:
   1. The public expects government institutions to provide services that meet established standards. Complaints to the Ombudsman arise in response to such non-conformities.
   2. The Indonesian Ombudsman, as a public service supervisor, acts to provide recommendations to improve performance and create justice for the public
2. Follow-up on Recommendations as an Indicator of Reputation:
   1. Institutions that comply with recommendations demonstrate accountability, responsiveness, and commitment to improving the quality of service. This strengthens their reputation as institutions that care about the public.
   2. Conversely, institutions that ignore recommendations tend to be perceived as irresponsible and non-transparent, which negatively impacts their reputation.
3. Influence of Mass Media:
   1. When the Ombudsman raises a case to the mass media, it aims to provide social pressure (public pressure) and a deterrent effect.
   2. Mass media publication can increase public awareness of violations or non-compliance by certain institutions, so that the reputation of the institution is threatened or even destroyed.
4. Long Term Effects:
   1. A reputation damaged by negative news is difficult to restore. Public trust in the institution can decrease drastically, which ultimately has an impact on their legitimacy and effectiveness in carrying out government functions.
   2. On a large scale, damage to the reputation of one institution can create a domino effect, affecting the image of the government as a whole.

In the contemporary landscape shaped by globalization and digital technologies, the image and reputation of organizations are becoming increasingly important and vulnerable, because the public has easy and fast access to information and opinions about organizations through various media, especially social media (Cornelissen & Werner, 2014). The public also has great power to spread and influence this information and opinion, so that it can shape or damage the image and reputation of the organization (Veil et al., 2011). Therefore, organizations need to conduct PR effectively and strategically to manage communication with the public, as well as create and maintain a positive image and reputation of the organization. Reputation theory asserts that a good reputation is built through consistent actions that reflect values that the public values, such as honesty, transparency, and concern for community needs. Failure to comply with the recommendations of the Indonesian Ombudsman indicates a mismatch between the actions of the institution and public expectations, which is the main source of reputation damage. In relation to this, a recovery strategy is needed, where the Reported Agency needs to:

1. Admitting Mistakes: Making a formal statement acknowledging non-compliance and demonstrating a commitment to change.
2. Making Real Improvements: Promptly following up on the Ombudsman’s recommendations to restore public trust.
3. Proactive Communication: Engaging the media and the public in publicly demonstrating the improvement process.
4. Improving Internal Oversight: Ensuring compliance with service standards in the future.

**3.4 Law Enforcement and Institutional Strengthening**

Legally, the recommendations issued by the Indonesian Ombudsman are final and binding. However, in practice, the recommendations do not have the executive power to force the relevant agencies to implement them. In cases where the recommendations are not implemented, the Ombudsman is authorized to propose further measures by submitting suggestions to the President and the House of Representatives. Thus, although the recommendations of the Indonesian Ombudsman have a strong legal basis, the effectiveness of their implementation is highly dependent on the commitment and awareness of the relevant agencies in improving the quality of public services and implementing the principles of good governance.

To enhance the effectiveness of the Ombudsman of the Republic of Indonesia (ORI) in fulfilling its mandate, a robust legal framework is required—one that guarantees institutional independence, operational efficiency, and sufficient authority. Some steps that can be taken include:

1. Strengthening the Constitutional Foundation: Currently, ORI is regulated by Law Number 37 of 2008 and has not been explicitly mentioned in the 1945 Constitution. Placing ORI in the constitution will provide stronger legitimacy and ensure its sustainability and independence as a public service supervisory institution.
2. Increased Executorial Authority: Although ORI recommendations are final and binding, their implementation often lacks sufficient execution power. Legal arrangements are needed that give ORI the authority to ensure that its recommendations are implemented by relevant agencies, including the imposition of administrative sanctions for those who do not comply.
3. Legal Protection for ORI Members and Employees: To ensure independence and integrity, ORI members and employees must receive adequate legal protection from threats, intimidation, or intervention by other parties in carrying out their duties. This can be regulated through revision of existing laws or the issuance of special regulations.
4. Increasing Resources and Capacity: Strengthening ORI also requires support in the form of increasing human resources, budget, and adequate infrastructure. This ensures that ORI can carry out its functions optimally throughout Indonesia.
5. Strengthening Institutional Collaboration with Law Enforcement Agencies: To enhance oversight of public service delivery and ensure proper handling of maladministration cases involving potential criminal offenses, the Ombudsman of the Republic of Indonesia (ORI) must establish a robust and systematic cooperation framework with key law enforcement bodies, such as the police and the prosecutor’s office. This collaboration involves the structured exchange of information, particularly the findings of ORI’s investigations that reveal elements of criminal conduct. Such data sharing should be conducted in compliance with existing legal frameworks to uphold the principles of transparency, accountability, and due process in the judicial system. To ensure the effectiveness of case handling, coordination is needed between ORI and law enforcement agencies in terms of further investigations and the steps that must be taken to process the case legally. ORI can provide recommendations to the police or prosecutor's office regarding alleged criminal acts found in the supervision of maladministration. Law enforcement agencies can then follow up on these recommendations with investigations and prosecutions in accordance with applicable laws. This collaboration aims to ensure that any findings of maladministration that have the potential to become a criminal act can be followed up with the appropriate legal process.
6. Public Socialization and Education: Increasing public awareness of the role and function of ORI through socialization and education programs, so that the public can be more proactive in reporting suspected maladministration.

**IV. CONCLUSION**

Based on Law No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, the Ombudsman's recommendations are mandatory and there are administrative sanctions for those who neglect them, but there are still public service providers who do not implement them. As a basis for argumentation, Friedman's theory is used, that the Ombudsman of the Republic of Indonesia needs to have three aspects, namely substance, structure, and legal culture. In terms of substance, the Ombudsman of the Republic of Indonesia already has articles regulating the obligation to implement recommendations, namely in articles 38 and 39. Then from the structural side in the form of providing administrative sanctions for agencies that do not implement recommendations, from the aspect of legal culture, it requires a coercive tool in the form of policy regulations against agencies that do not implement recommendations because there is a perception that if the agency implements the recommendation, it means admitting a mistake and resulting in a decrease in public trust in the agency.

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