



Handling community complaints at the ombudsman of the Republic of Indonesia of West Sulawesi representation from the context of fiqh siyasah

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ABSTRACT

This article focused on the effectiveness of the Indonesian Ombudsman in supervising public complaints based on the perspective of Fiqh Siyasah. Applying a qualitative method resulted in the Indonesian Ombudsman in West Sulawesi effectively supervising public complaints. This effectiveness was shown by the increase in total complaints every year. Based on the interview with The Head of the Indonesian Ombudsman in West Sulawesi, the Assistant of the Indonesian Ombudsman in West Sulawesi, as well as the plaintiff and defendants from the public showed that they were satisfied with how the complaints were handled. Furthermore, the Indonesian Ombudsman in West Sulawesi left a good impression on the general public and government institutions. The way the Indonesian Ombudsman in West Sulawesi supervised the complaints was in line with the perspective of fiqh siyasah. The Islamic state administration system highlights no discrimination; everyone has the same rights before the Law. Likewise, Islam also sees humans as the same. What makes them different is their faith in Allah SWT. Hence, as in QS, supervising institutions are needed to supervise the government institutions and prevent them from using their power arbitrarily. Ali-Imran/3:104, Allah SWT implicitly stated about the supervision institution. The Indonesian Ombudsman is one of the supervision institutions in line with fiqh siyasah.

Keywords: Indonesian Ombudsman in West Sulawesi; pubic complaints; fiqh Siyasah

1. INTRODUCTION

After the amendment of The Law of the Republic of Indonesia of 1945, Indonesia adhered to two distribution patterns of state power: horizontal and vertical. Horizontal distribution means power distribution to parts of the state called state institutions. Vertical distribution means the distribution of power between central and local

governments¹. Indonesia consists of some provinces, and those provinces consist of some regencies and cities.

The improvement of public services became one of the reformation agendas. People always talked and demanded some improvement until it peaked in 1998. The president, Soeharto, was 'forced' to return the mandate and was switched by the vice president, B.J. Habibie. This transition of power brought some basic changes to the political system in Indonesia. Under the lead of B.J. Habibie, the improvement of public services was started by forming a team to review the plans for establishing an institution that would be specifically on duty to supervise public services.

The improvement was perceived with the issuance of Presidential Decree No. 155 of 1999 concerning the Reviewing Team for the formation of the Ombudsman². The team formed by the president produced a recommendation regarding the formation of an Ombudsman. Based on the recommendations and the enthusiasm to provide protection for citizens in obtaining services, it finally encouraged the government to form an institution specifically tasked with supervising the implementation of public services³.

The Indonesian Ombudsman is one of the supporting institutions that was not established instantly. This institution has developed in almost all countries with its different versions. The Ombudsman was formed based on Law of the Republic of Indonesia No. 37 of 2008 concerning the Indonesian Ombudsman, which was legalized at the DPR RI Plenary Meeting on October 7, 2008.

Law of the Republic of Indonesia No. 37 of 2008 confirms that the Indonesian Ombudsman (Ombudsman) is a state institution that oversees public services; those held by government institutions, State-Owned Enterprises, Regional-Owned Enterprises, State-Owned Legal Entities, private entities and individuals, which expands the missions of the country.

The missions and authorities of the Indonesian Ombudsman as an external oversight institution are to control the task of administering public services by law. The Indonesian Ombudsman independently handles public service complaints without interference from other authorities. He works based on public reports to trace the service problems or to supervise a legal institution that commits maladministration for the community.

This provision emphasized that the Ombudsman is a state institution with a supervisory function, particularly in the administration of public services, whether administered by public or private legal entities, as long as the state assigns it. The submission of this authority was relevant to the condition of the implementation of public

¹ Jimly Asshiddiqie, *Konstitusi Bernegara*, (Malang: Satara Press, 2016), p. 105.

² Keputusan Presiden Nomor 155 tentang Tim Pengkajian Pembentukan Lembaga Ombudsman.

³ Nurkhatimah, Usman Jafar, Muhammad Anis, *Kedudukan Dan Peran Ombudsman Dalam Mengawasi Penyelenggaraan Pelayanan Publik (Tela'ah Fiqh Siyasah)*, Siyasatuna, Volume 2 Nomor 3 September 2021.

services, which had not improved since the 1998 reform. Mal administration practices are still easy to find in institutions that provide public services, such as protracted delays, unobtainable services, discrimination, incompetence, extortion, etc⁴.

As a country, Indonesia has built public service tools such as the Ombudsman. Meanwhile, we also need to know Islamic perspectives on public law issues, as the Ombudsman did.

Based on the explanation above, the author conducted a study on the effectiveness of supervising public reports received by the Indonesian Ombudsman in West Sulawesi from the perspective of *fiqh siyasah*.

2. METHODS

This qualitative research is intended to understand what research subjects experienced. Data were obtained through interviews and document review, both statutory documents and the documents related to the reports at Indonesian Ombudsman in West Sulawesi office.

3. RESULTS AND DISCUSSION

As a component of public services, the Indonesian Ombudsman is designed to provide the widest possible access to information to the public so that it is easier for them to reach basic services that lead to community welfare. By fulfilling these service standards, acts of maladministration, such as extortion, procedural deviations, protracted delays, and so on, can be minimized.

Based on a document review, in 2020, the number of public reports/complaints to the Indonesian Ombudsman regarding public services was 7,204 reports, of which 6,522 were regular reports, 559 quick responses, and 123 investigations. Those reports were on their initiative. The highest group of agencies reported were local governments (39.59%), police (11.34%), and national land agencies (10.01%). The classification of alleged maladministration was protracted delays (31.57%), procedural deviations (24.77%), and unobtainable services (24.39%)⁵.

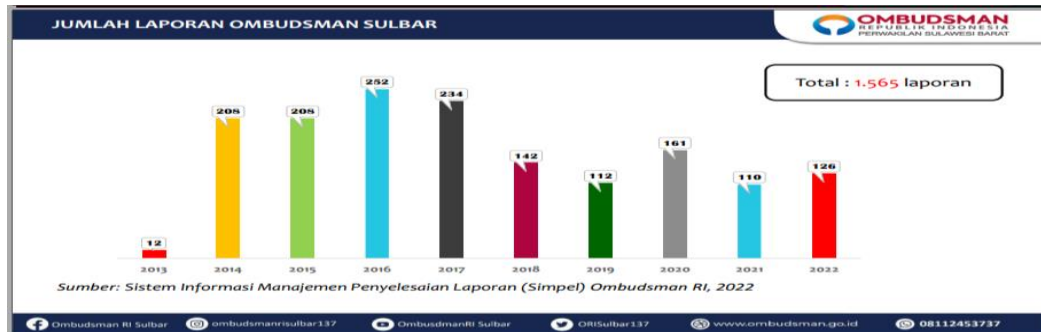
In quarter 1 of 2021, the Indonesian Ombudsman received 1,749 reports/complaints from the public regarding alleged maladministration in public services, of which 1,636 were regular reports, 87 quick response reports, and 26 investigative reports on their initiative. The most frequently reported group of agencies were land agencies (316), police (181), and officialdom (145). The number of non-reported consultations from the public showed that the community was starting to have the awareness to be more

⁴ Forms of maladministration can be seen in Article 1 Paragraph (3) of Law No. 37 of 2008 concerning Ombudsman Indonesia.

⁵ Accessed from <https://ombudsman.go.id/produk/liha-t/573/SUBLT5a1ea-951d55c-4file202102-261-40136.pdf>.

courageous in conveying public service problems directly to the reported agencies by first asking for advice from the Ombudsman⁶.

The observation result showed that there were 1,565 reports to Indonesian Ombudsman in West Sulawesi in 2022 with the details below:



Meanwhile, based on the results of interviews with the Head of the West Sulawesi Ombudsman Representative West Sulawesi Assistant Ombudsman Representative, as well as from the plaintiffs and the defendants, it showed that community reports increase every year. This showed that the existence of the Ombudsman is increasingly known and is considered capable of solving the administrative problem. In terms of public services, the community also felt that several public service agencies were getting better and more in favor of the general public. The annual assessment by the Ombudsman evidenced the improvement in the Compliance Report on the Implementation of Public Services.

According to Ratminto, public services are divided into 2 (two). They are public services held by the private sector, primary and secondary and public services provided by public organizations. Based on Article 5 of Law No. 25 of 2009 concerning Public Services, the scope of public services includes public services and administrative services as regulated in the Laws. The main goal of the public sector is to provide public services. It does not mean that public sector organizations have no financial goals. However, the goal is different conceptually and operationally philosophically from the objectives of profitability in the private sector. Financial goals in the private sector are oriented towards maximizing profits to maximize shareholder welfare, while in the public sector, financial goals are more towards maximizing public services because funds are essential to providing public services⁷.

The standards of public service are benchmarks applied as guide references in evaluating service quality as obligations and promises of administrators to the community in the framework of quality, regular, fast, and easily accessible services. The existence of Law No. 25 of 2009 concerning public services provides direction to all service providers,

⁶ Diperoleh dari <https://ombudsman.go.id/produk/lihat/579/LTRfile2021061172659.pdf>.

⁷ Ratmintoh, dan Atik Septi Winarsih. *Manajemen Pelayanan*. Cet. 4. Pustaka Pelajar : Yogyakarta. 2007. h.19.

whether state administrators, State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMD), State-Owned Legal Entities (BHMN), as well as private agencies and individuals, to implement standardized services by fulfilling service standard components.

Every public service provider is obliged to fulfill the service standard components. The first component is the legal basis of statutory regulations that form the basis of service providers. The second is the requirements that must be met in managing a type of service, both technical and administrative requirements. The third is the system of service mechanisms and procedures for providers and recipients. The fourth component is the settlement period required to complete the entire service process for each type of service. The fifth is fees charged to service recipients in managing or obtaining services from the operator, the amount of which is determined based on the agreement between the administrator and the public, equipment, and facilities needed in providing services, including equipment and facilities for vulnerable groups. The sixth is internal supervision by the work unit leader or the executor's direct supervisor. The seventh is the method of implementing complaint handling and follow-up. The eighth is the number of executors according to workload, then service. Next is the guarantees that provide certainty of services carried out in accordance with service standards. Other components are the guarantee of service security and safety in the form of a commitment to provide a sense of security and free from danger and risk of doubt and evaluation of implementation performance to find out how far the implementation of activities is in accordance with service standards.

Viewed from the perspective of *Fiqh Siyasa*, the author refers to QS. Ali Imran: 104,

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ
الْمُفْلِحُونَ ﴿١٠٤﴾

Translation:

"And from among you there should be a party who invite to good and enjoin what is right and forbid the wrong, and these it is that shall be successful."

Based on the verse above, it explains the meaning of the need for a supervisory agency, in the language of the Quran, "a group among you." It also explains that the agency's mission is to monitor activities "al-Amr bi wa al-ma'ruf wa al-nahy 'an al-munkar" or "command people to obey the Law, and prohibit them from committing sins." However, the verse does not explain the form of the supervisory agency.

The Prophet Muhammad SAW also ordered his people to uphold *al-amr bi al-ma'ruf wa al-nahy 'an al-munkar*. The Messenger of Allah said in a hadith narrated by Muslims explaining that "Whoever of you sees evil, then prevent it with your hands (power), if you

are unable then prevent it verbally, if you are unable then prevent it with your heart, and that is a weakness of faith."

Ibn Taimiyah explained that the leader's appointment is to practice *al-amr bi al-ma'ruf wa al-nahy 'an al-munkar*. This is because it is impossible to achieve blessings except with *al-amr bi al-ma'ruf wa al-nahy 'an al-munkar*. To achieve the blessings of life, humans must also obey Allah SWT and His Messenger by upholding *al-amr bi al-ma'ruf wa al-nahy 'an al-munkar*. Therefore, in Islam, a leader must establish an institution that handles *al-amr bi al-ma'ruf wa al-nahy 'an al-munkar*.

Based on the explanation above, the author concluded that there was harmony between supervising public complaints to the Indonesian Ombudsman and supervising public problems in Islam from the perspective of *Fiqh Siyasah*. In terms of effectiveness and the increase in the number of complaints and the value of compliance report cards, it can be concluded that the Indonesian Ombudsman effectively supervised public complaints.

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