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The Effectiveness of Government Internal Supervision in Preventing Maladministration in Public Institutions

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Abstract: Public services are a fundamental element in the implementation of government that is oriented towards fulfilling the basic needs of the community and the realization of the principle of *good governance*. However, the quality of public services in Indonesia still faces various problems, especially due to rampant maladministration, which results in public losses and reduces trust in public institutions. This study aims to analyze the effectiveness of internal government supervision and the role of the Ombudsman of the Republic of Indonesia in preventing maladministration, with an emphasis on regulatory aspects, the implementation of supervision, and institutional barriers. The research uses a descriptive qualitative method, drawing on a literature review of laws and regulations, APIP reports, and the results of the Ombudsman's examination. The results of the study show that the government's internal supervision plays a strategic role in ensuring the implementation of public services in accordance with the principles of AUPB and the service standards stipulated in Law No. 25 of 2009. However, the effectiveness of supervision remains constrained by the Ombudsman's limited authority, the lack of clarity in service standards, and the weak implementation of the government's internal control system (SPIP). These findings affirm the importance of strengthening APIP's independence, improving the Ombudsman's technical regulations, improving the competence of the apparatus, and the existence of *political will* from all stakeholders. Thus, efforts to prevent maladministration not only require strong regulatory tools but also consistent implementation to realize transparent, accountable, and fair public services.

Keywords: Internal Supervision, Maladministration, Government Supervision, Public Accountability

INTRODUCTION

Public service is an activity or series of activities to meet service needs in accordance with laws and regulations for every citizen and resident, and for goods, services, and/or administrative services provided by public service providers. Public services are the provision of state services to the community to meet basic needs and promote community welfare. Public service is an activity or interaction between the community and the government or bureaucracy that cannot be avoided. From good public services, it is what will form a good government:

"good governance". Good Governance will be fully implemented if there is a strong desire (political will) of government administrators and state administrators to adhere to laws and regulations and propriety.

Public services start from the smallest things in the village areas of a region; in public services, we must consider the context to deliver fairer services in accordance with community norms. In the context of community public services, the obligation to involve indigenous peoples in the public service process can strengthen their participation. This creates a more inclusive mechanism and ensures that decisions take into account the perspectives and needs of the community. Public services must have a deep understanding of both legal systems and work with indigenous peoples to achieve more effective and equitable public services. Good regulation of administration is a fair arrangement for preventing maladministration and for not undermining the community's involvement. (Sulistiyowati et al., 2025)

Public services are urgently needed by people across all fields of life, ranging from health and education to housing and finance. Therefore, public service is very crucial. So that, to avoid the abuse of power/authority ("detournement de pouvoir"), an independent institution is needed to supervise all activities related to public services. The pattern and organizational structure of our country, Indonesia, have also undergone rapid development. Since 1998, many independent institutions and commissions have been formed. (Asshiddiqie, 2006) Many people are confused about this kind of institutional growth. The problem is the proliferation of independent institutions, which confuses the general public.

There have been developments regarding special independent institutions, such as the Ombudsman. These independent institutions often have mixed functions, namely semi-legislative and regulative, semi-administrative, and even semi-judicial. In fact, in this regard, the term "independent and self-regulatory bodies" has also emerged and is developing in many countries. Therefore, the existence of institutions like this in Indonesia today needs to be regulated within the framework of the modern Indonesian constitutional system and, at the same time, within the framework of the development of a national legal system that better guarantees justice and democracy in the future. (Fakhrudin, 2020) To develop a national legal system that guarantees justice and democracy, the establishment and implementation of the duties, functions, and authorities of independent institutions must be regulated so that their direction and objectives are clear. In addition, good management will minimize horizontal conflicts between state institutions and vertical conflicts between the central and regional governments.

Maladministration according to Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia is defined as "unlawful behavior or acts, exceeding authority, using authority for purposes other than the purpose of the authority, including negligence or neglect of legal obligations in the implementation of public services carried out by State Administrators and the government that cause material and/or immaterial losses to the community and individuals". Maladministration can occur in public service offices. Slow service or convoluted bureaucracy frustrates the public and reduces their trust in public service officers. (Hayati, 2021)

Maladministration is a form of irregularity in the implementation of public services that can lead to community losses and reduce trust in the government. This phenomenon arises due to the weak internal supervision system and the low integrity of the state apparatus. Government internal supervision, which is carried out through the Government Internal Supervision Apparatus (APIP), has a strategic role in detecting, preventing, and following up on maladministration practices, referring to government problems related to the replacement of the president or Presidential Impeachment, which is very influential in public services that are considered bad. (Nadya Maharani, 2024) Therefore, this study examines the effectiveness of the internal supervision system in preventing maladministration in public institutions.

This study uses a descriptive qualitative method with a literature study approach. Data was collected through analysis of laws and regulations, reports on the results of APIP supervision, and the results of the Ombudsman's study. The data analysis technique involves data reduction, data presentation, and conclusion drawing, based on the theory of supervisory effectiveness and the principle of good governance.

METHODS

The author uses the normative juridical research method as one approach in legal research. The researcher examines legal theories and principles, as well as laws and regulations relevant to the research, often referred to as library research because it involves an in-depth analysis of books, laws, regulations, and other documents. Normative research methods focus more on the scope of legal conception, legal principles, and legal institutions. Data analysis in the context of normative legal research aims to understand the characteristics of the data and serves as the basis for solutions to legal problems.

RESULT & DISCUSSIONS

The development of State Administrative Law from the Constitutional Law section to a stand-alone discipline reflects the change in the character of the Indonesian state, from a state that originally only arranged the basic structure of government to a welfare state that is actively involved in various aspects of people's lives to realize social justice. The breadth and complexity of government tasks, ranging from education and health to environmental protection and economic regulation, require a dynamic legal framework, namely State Administrative Law.

As a legal instrument, the State Administrative Law provides various tools that the government can use in carrying out its duties. The main instrument is the State Administrative Decree, or *beschikking*, which is a concrete, individual, and final decision that binds a specific person or group. Examples include Building Permits, Trade Business Licenses, and the provision of social allowances to certain families. (Administrasi, n.d.)

Another instrument is an administrative agreement, which is an agreement between the government and other parties, both private and citizens, to carry out government duties. The form can be a cooperation agreement or a work outsourcing agreement related to the implementation of government services.

In addition, there are real government actions or *feitelijk handelen*, which are physical actions taken by the government that cause legal consequences, such as evictions, road construction, or sealing business premises. Even though it is in the form of a factual action, each of these acts must still have a clear legal basis.

In this case, government actions that are included in the category of maladministration are those that have met the following elements:

1. Unlawful behavior or acts;
2. exceeding authority, or using authority for purposes other than for which such authority is intended, or including negligence or neglect of legal obligations in the performance of public services;
3. carried out by State and government administrators;
4. Causing material and/or immaterial losses to the community and individuals.

The legal consequences of maladministration are as follows:

1. The birth, change, or disappearance of a legal state.
2. The birth, change, or disappearance of a legal relationship between two or more legal subjects, where the rights and obligations of one party are confronted with the rights and obligations of the other party.
3. Sanctions are imposed if actions are carried out against the law.

In the application of the law, there should be effective steps and a firmer basis for minimizing the occurrence of maladministration, so that the management of the General Principles of Good Governance (AUPB) can be properly legalized and meet the elements of the objectives of good country management.

The Ombudsman of the Republic of Indonesia (ORI) has a mandate to supervise the implementation of public services and prevent maladministration. Despite a strong legal foundation, the Ombudsman's recommendations are often treated as non-binding, so the level of bureaucratic non-compliance remains relatively high. (Authority & Of, 2025) Several theories then form the basis for the Ombudsman Supervisor in carrying out the role of Policy Supervisor; namely, S.P. Siagian defined supervision as the process of observation rather than the implementation of all organizational activities to ensure that all work runs according to the predetermined plan. Under the State Administrative Law, a plan is part of a government legal action (*bestuurrechtshandelling*), an action intended to give rise to legal consequences. Viktor M. Situmorang defines supervision as every effort and action to determine the extent to which tasks are implemented in accordance with the provisions and goals.

The definition consists of two parts, namely: (1) describing the form of supervision activities; (2) describing the goals and objectives to be achieved by the supervisor. The term "provisions" in the definition above means laws, regulations, and other applicable provisions. Then, the term goal to be achieved in the definition means it is in accordance with the plan determined and meets the principles of usability and user results. So, the definition mentioned above applies to ongoing activities and work, as well as to completed work or activities. The author is of the view that supervision is a series of actions carried out by a certain person/group of people, both as individuals (society) and as employees of institutions tied to an organization, with the aim that the object of supervision runs smoothly as it should, so that there is no "detournement de pouvoir". Public service is an activity or series of activities to meet service needs in accordance with laws and regulations for every citizen and resident, and for goods, services, and/or administrative services provided by public service providers. Public services are intended to meet the needs of the community in a region/country for the use and utilization of goods and services, as well as for administrative purposes.

In the context of positive law development, it can be described as a functional relationship in which law serves as the primary source for the material needed in the process. This change not only creates a shift in roles but also raises several problems. One of them is the existence of a blind spot in public policy, where the policy cannot accommodate the interests of the community as a whole. As an example of Maladministrasi, in the ID card, the Regulation of the Minister of Home Affairs Number 108 of 2010 recognizes only 6 (six religions recognized by the state, namely Christianity, Hinduism, Catholicism, Confucianism, and Buddhism). This condition poses a dilemma for indigenous peoples with diverse belief systems. The identity card, which limits religious options to only the six religions, raises identity issues and ignores the diversity of indigenous peoples' beliefs. Thus, there is a discrepancy between public policy and the rights of indigenous peoples to exercise their belief system. (Sulistyowati et al., 2025)

Public services must have the determination to accelerate improvements in the quality of public services, as an effort to improve public welfare and to educate the life of the nation, as the goal of the nation and state, as stated in the Preamble to the Constitution of the Republic of Indonesia 1945. The lag in the quality of public services will definitely hinder the acceleration of the development of people's welfare and, at the same time, lower the competitiveness of investment in Indonesia in facing the MEA (Asean Economic Community). Therefore, to raise the nation's competitiveness, a series of programs to improve the quality of public services must be implemented. The state has issued Law No. 25 of 2009 on Public Services, which serves as a policy and reference for all public service agencies in providing

their public services with quality. Good public services not only develop but also advance a government/country. A region/country that receives few or no complaints about public services provided to the community certainly reflects progress in the government's bureaucratic system, and vice versa. Regions/countries that receive many complaints about public services delivered to the community reflect a poor bureaucratic system within the local/state government.

According to Article 10 of Law No. 30 of 2014 on Government Administration, the General Principles of Good Governance (AUPB) are fundamental principles used as a reference in the implementation of government in Indonesia. The AUPB aims to ensure that the administration of government is carried out in a clean, efficient, and accountable manner. (Sulistiyowati et al., 2024) The problem of poor service is largely due to unclear service standards used as a reference in the implementation of public services, such as requirements, service completion periods, procedures, and service costs. Law No. 25 of 2009 states that service standards are measures implemented in the provision of public services that must be observed by service providers in serving the community. Low compliance with public service standards directly results in maladministration, including legal uncertainty, service inaccuracies, and pungli practices in the implementation of public services from the central to the regional levels. Neglect of service standards results in poor-quality public services and encourages maladministration that leads to inefficiency.

In principle, the field of constitutional law and state administration carried out by the government has activities, one of which is the implementation of state government administration. Implementation activities are a way of carrying out government functions set out in policy, as decreed by government officials. The implicit activities of this are that the government must be ready to test its policies by establishing judicial institutions (administration), one of which is the State Administrative Court, because this decision is the basis or object of a lawsuit in the state administrative court. (Sulistiyowati, 2022)

The Constitution is the "soul" of a country. In HTN, the constitution is understood as the supreme law, which serves as the benchmark for all laws and regulations under it, so that any law that is contrary to the constitution can be canceled through a judicial review mechanism within the system that adheres to it. In addition to its status as the supreme law, the constitution also has several important functions: the organizational function that forms and regulates state institutions and their authority, the limiting function that limits state power to prevent arbitrariness, and the granting function that provides guarantees of protection for the basic rights of citizens. (Hukum et al., 1945)

HTN studies the procedure of amending the constitution, which is usually more difficult than changing ordinary laws. This reflects a desire to stabilize the state's basic principles (such as Pancasila), while still allowing for adaptation to the times. In essence, it is emphasized that the Indonesian government implements the basic principles of the constitutional system (basic law) and, in affirming good public services, relies on legal instruments under the constitution, in this case.

1. Law Number 25 of 2009 concerning Public Services: Establishes the state's obligation to serve citizens and regulates service standards, procedures, time, and costs. This law is also the basis for organizers to manage public complaints about public services.
2. Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia: Regulates the duties of the Ombudsman as a state institution authorized to supervise and prevent maladministration in public services. Its duties include receiving reports, conducting investigations, and providing recommendations for improving the public service system.
3. Ombudsman Regulation Number 41 of 2019 concerning Procedures for the Prevention of Maladministration: Establishing procedures and ways to prevent maladministration in the implementation of public services.

4. Presidential Regulation Number 76 of 2013 concerning the Management of Public Service Complaints: Becomes a reference for managing public complaints, which also functions as a control tool in the implementation of service standards.
5. Presidential Regulation Number 89 of 2021 concerning the Implementation of Public Service Malls: Regulates matters related to the implementation of maladministration (public service malls).
6. Ombudsman Regulation Number 58 of 2023: Regulates procedures for the examination and implementation of reports related to maladministration.
 - a. Prevention: These regulations encourage public service providers to develop clear service standards and provide a means of complaint. The Ombudsman also conducts systemic investigations to improve the public service system.
 - b. Action: People who experience maladministration can report to the organizers. If it is not responded to or resolved, the report can be forwarded to the Ombudsman.
 - c. Supervision: The Ombudsman will examine and follow up on reports of alleged maladministration, as well as provide recommendations to relevant agencies.

CONCLUSIONS

Internal government supervision has a vital role in preventing maladministration in public institutions. To increase its effectiveness, it is necessary to strengthen APIP's independence, improve the competence of auditors, and enhance leaders' commitment to follow up on supervisory results. Consistent implementation of SPIP is also key to building governance that is transparent, accountable, and free from maladministration.

Supervision is a series of actions carried out by a person/group of people, both as individuals (society) and as employees of institutions tied to an organization, to ensure the object of supervision runs smoothly as it should, so that there is no "détournement de pouvoir". Public service is an activity or interaction between the community and the government or bureaucracy that cannot be avoided. From good public services, it is what will form a good government: "good governance". Public services are very important, so to prevent abuse of power/authority, an independent institution is needed to supervise all activities related to public services.

The effectiveness of the Ombudsman's public services is currently not optimal, for example, because the community report cannot be continued if the results of the substantive examination show that the Ombudsman is not authorized to continue the examination. Limited authority and incomplete technical implementing regulations are the main causes. However, on the other hand, the increase in non-report consultations is giving the public greater trust in the Ombudsman of the Republic of Indonesia, and this means the public expects the Ombudsman to provide education and understanding of the concept of public service.

The need for a thorough arrangement of arrangements for the implementation of state institutions, especially the Ombudsman of the Republic of Indonesia (ORI), so that it does not create a legal vacuum that affects the assessment of the presence of ORI, is not so important. The political will of all stakeholders involved is needed to deliver public services that do not disappoint/avoid maladministration that can lead to collusion, corruption, and nepotism, and ensure good governance is not just a discourse.

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