



The Main Duties and Functions of the Ombudsman of the Republic of Indonesia

(Study on Implementation of Policy Recommendation Number: 0001/REK/0834.2016/V/2018)

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ABSTRACT

This research aims to describe and analyze the implementation of the main tasks and functions of the Indonesian Ombudsman based on Recommendation Number: 0001/REK/0834.2016/V/2018 and to describe and analyze the factors that hinder the implementation of the main tasks and functions of the Indonesian Ombudsman based on Recommendation Number: 0001/REK/0834.2016/ V/2018. Analysis techniques data processing procedures and techniques include selecting and compiling data classification, editing data to build data analysis performance, confirming data that requires data verification and data deepening, and conducting data analysis in accordance with the construction of the discussion of research results. It is concluded that the main tasks and functions of the Indonesian Ombudsman in Recommendation Number: 0001/REK/0834.2016/V/2018 concerning maladministration of equalization of doctoral degrees abroad and promotion of professorship by the Ministry of National Education in 2010, have been carried out in stages based on the provisions of the applicable laws and regulations, both receipt of reports, examination and formulating the results of the examination. The existence of legal support in the stages mentioned above, which are Legally Binding, has made it easier for all parties to fulfill the process carried out by the Indonesian Ombudsman in resolving the maladministration in question. Because it expressly states that the Ombudsman of the Republic of Indonesia in the context of the examination can forcibly summon the parties reported under Article 31 of Law Number 37 of 2008. There are two factors that hinder the implementation of the main tasks and functions of the Ombudsman of the Republic of Indonesia in the implementation of Recommendation Number: 0001 /REK/0834.2016/V/2018 Based on Law Number 37 of 2008. These factors are internal factors of the Indonesian Ombudsman, namely the contents of the Law which regulates the main duties and functions and authorities of this institution and external factors, namely the interests of the parties concerned. reported.

Keywords: The Main Duties and Functions, Ombudsman, Policy Implementation.

1. INTRODUCTION

In 2018 the Ombudsman of the Republic of Indonesia issued Recommendation Number: 0001/REK/0834.2016/V/2018 regarding maladministration in the equalization of overseas doctoral diplomas and promotion to functional positions of professors carried out by the Ministry of Research and Technology and Higher Education of the Republic of Indonesia (now the Ministry of Education, Culture and Research and RI Technology). The recommendation came from an alleged maladministration regarding the equalization of doctoral diplomas abroad and the determination of the functional promotion of professors within the Ministry of National Education in 2010 and reported to the Ombudsman of the Republic of Indonesia in 2016.

That in the process of equalizing the doctoral diploma abroad and determining the promotion of the professor's functional position, it has violated the provisions in force at that time. At least there are several provisions which are considered by the Ombudsman of the Republic of Indonesia as acts of maladministration, including Law Number 14 of 2005 concerning teachers and lecturers which explains that to occupy functional positions, a doctorate (S3) must be held, Regulation of the Minister of National Education Number 26 of 2009 Regarding the Assessment of Diplomas of Overseas University Graduates, Regulation of the Head of BKN Number 25 of 2015 concerning Administrative Actions and Disciplinary Punishments Against Civil Servants Who Use Fake Diplomas, Regulation of the Director General of Higher Education Number 82/DIKTI/Kep/2009 Year 2009 concerning Guidelines for Assessment of Diplomas Overseas Universities Graduates and Operational Guidelines for Lecturer Functional Promotion to Head Lecturer and Professor.

This problem reappeared when the election of the chancellor of state universities in the Ministry of Research, Technology and Higher Education of the Republic of Indonesia (Kemenristekdikti RI) was held in 2016 ago or now the nomenclature has changed to the Ministry of Education, Culture, Research and Technology of the Republic of Indonesia, where one of the candidates allegedly using a doctoral diploma from a doctoral degree abroad and the determination of functional promotions to professors that are not in accordance with applicable regulations.

Lecturers and non-governmental organizations have reported it to the ministry, in this case the RI Ministry of Research, Technology and Higher Education prior to the election. Moreover, this ministry has significant voting rights in the election of the rector as much as 35% of the total votes of the senate who have the right to vote with reference to article 7 letter e number 1 of the Regulation of the Minister of Research, Technology and Higher Education Number 1 of 2015. this candidate was elected and inaugurated as rector.

Regarding this, the RI Ministry of Research, Technology and Higher Education was reported to the Indonesian Ombudsman by the PAMI NGO in Jakarta and a lecturer from the Manado State University (UNIMA), considering its position and capacity as a high state institution that issued a Decree on the Equalization of Doctoral Diplomas (S3) abroad and the determination of promotion professorship of lecturers at state universities throughout Indonesia. Based on the report provided, the Ombudsman of the Republic of Indonesia determined the RI Ministry of Research, Technology and Higher Education as the reported party consisting of (Minister, Director General of SDIDIKTI, and Director General of BELMAWA) as reported I, II and III as well as unscrupulous lecturers as the object of the report (OL) in the alleged maladministration of diploma equivalence. doctorate (S3) graduates from abroad and the determination of a professor's functional promotion in 2010.

On the other hand, the presence of the Ombudsman of the Republic of Indonesia is expected to be able to supervise and resolve problems in the administration of government in the context of public services in Indonesia, including overcoming all forms of maladministration actions carried out by state officials both at the center and in the regions. During 2020, the Ombudsman of the Republic of Indonesia has received Public Reports regarding the substance of Law, Human Rights, Politics, Security, and Defense with reported law enforcement agencies reaching 1,120 reports.

The number of public complaints shows that the presence of the Indonesian Ombudsman is expected to be a truly responsive forum and provide a way out of community disputes with government administration institutions. But ironically, the performance measure of the Indonesian Ombudsman in 2020 alone is the level of "work" that is stalled above 84% or the work ability of the Indonesian Ombudsman is only 0.19 scores or 19% of the performance value in handling reports to the police and judicial institutions. This includes maladministration carried out by the Ombudsman himself who does not want to report all reports that have not been completed in 2020.

As an independent state institution but using the state budget, this of course becomes useless in an effort to support the state to provide public services to the community. Moreover, in 2020 the Indonesian Ombudsman received a budget allocation from the State Budget of Rp 153.9 billion. When measured by the completion of reports in 2020 that can be completed, then every 1 (one) report to complete it must spend a budget of Rp. 1 billion (Rp. 974.050632), while the products produced are not immediately carried out by the reported party (reported institution), not even implemented at all without any impact for those who do not implement it. With a performance like this, the Indonesian Ombudsman in 2021 will get a budget increase of 34.5% from the APBN or an increase to Rp. 207 billion.

Based on Article 1 of Law Number 37 of 2008 states that the Ombudsman of the Republic of Indonesia is a state institution that has the authority to oversee the implementation of public services, whether organized by the government, state-owned and regional-owned enterprises or private-owned enterprises funded by the state. If you pay attention to the function of the Ombudsman of the Republic of Indonesia itself which is as regulated in Law Number 37 of 2008, then the Ombudsman is actually one of the elements in the supervision system in Indonesia. To achieve the goal of realizing Good Governance, the duties of the Ombudsman of the Republic of Indonesia are, among others, to seek public participation by creating conditions conducive to the realization of a simple, clean bureaucracy.

Based on the authority of the Ombudsman of the Republic of Indonesia in issuing Recommendations and the obligation of every State Administrator and State Institution to be obliged to implement the Recommendation in accordance with article 38 paragraph 1 of Law Number 37 of 2008 and the RI Ombudsman Recommendation Number: 0001/REK/0834.2016/V/2018 regarding Maladministration has not been implemented yet In the Equalization of Overseas Doctoral Degrees and the Determination of the Promotion of Professor Functional Positions by the Ministry of Research, Technology and Higher Education of the Republic of Indonesia in 2016, the researcher is interested in researching the Indonesian Ombudsman Institution in resolving cases of maladministration at the ministry in question.

2. LITERATURE REVIEW

2.1. Public Policy

In terms of terminology, the meaning of public policy (public policy) turns out to be a lot, depending on which angle we interpret it from. Easton defines public policy as the authoritative allocation of values for the whole society or as the coercive allocation of values to all members of society. Laswell and Kaplan also define public policy as a projected program of goals, values, and practices or a program of achieving goals, values in directed practices.

Pressman and Widavsky as quoted by Winarno (2002: 17) define public policy as a hypothesis that contains initial conditions and predictable consequences. Public policy must be distinguished from other forms of policy, such as private policy. This is influenced by the involvement of non-government factors. Robert Eyestone as quoted by Agustino (2008: 6) defines public policy as "the relationship between government units and their environment". Many people think that the definition is still too broad to understand, because what is meant by public policy can cover many things.

2.2. Public Policy Implementation

According to Usman (2002: 70), implementation boils down to activities, actions, actions or the existence of a system mechanism, implementation is not just an activity, but a planned activity and to achieve the objectives of the activity. Setiawan (2004: 39) argues, implementation is the expansion of activities that mutually adjust the process of interaction between goals and actions to achieve them and requires a network of implementers, an effective bureaucracy.

Van Meter and Van Horn (in Budi Winarno, 2008: 146-147) define the implementation of public policy as actions in previous decisions. These actions include efforts to turn decisions into operational actions within a certain period of time as well as in the context of continuing efforts to achieve large and small changes determined by policy decisions made by public organizations that are directed to achieve the goals that have been set.

2.3. Public Service Theory

Etymologically, public service consists of two words, namely service and public. Service is an activity carried out by a person or group of people with a certain basis where the level of satisfaction can only be felt by the person serving or being served, depending on the ability of the service provider to meet user expectations (Moenir, 2008:26-270). While the public is a number of human beings who have together thoughts, feelings, hopes, attitudes, and actions that are right and good based on the norms they have (Kencana, 1999: 5).

Meanwhile, from the terminology aspect, public services are all forms of services, both in the form of public goods and public services that are the responsibility and carried out by central and/or regional government institutions in the context of meeting the needs of the community, as well as in the context of implementing the provisions of laws and regulations (Chalik et al, 2015:15)

Furthermore, according to Law Number 25 of 2009 concerning public services, that public services are activities or series of activities in the context of fulfilling service needs in accordance with laws and regulations for every citizen and resident of goods, services, and/or administrative services provided. by public service providers.

2.4. Concept About Ombudsman

Ombudsman is a state institution that has the authority to oversee the implementation of public services organized by state and government officials, including those held by state-owned enterprises (BUMN), regionally-owned enterprises (BUMD) and state-owned legal entities (BHMN) as well as private or individual entities. who are given the task of administering certain public services whose funds are partly or wholly sourced from the state revenue and expenditure budget (APBN) and/or regional revenue and expenditure budget (APBD).

In the Columbia Encyclopedia, the Ombudsman is defined as: As a government agent serving as an intermediary between citizens and the government bureaucracy, the ombudsman is usually independent, impartial, universally accessible and empowered only to recommend". (The Columbia Encyclopedia, Sixth Edition 2001) " A government agency that performs the function of mediating between the community and government administrators or officials, the ombudsman is usually independent, impartial, general and authorized only for recommendations.

2.5. Maladministration

Maladministration is behavior or action against the law, exceeding authority, using authority for purposes other than those for which the authority is intended, including negligence or neglect of legal obligations in the administration of public services

carried out by State Administrators and the government that cause material and/or immaterial losses to the community. and individuals (Law 37 of 2008).

Maladministration according to Heywood in Setiyono is bad administration, inappropriate use of power, unclear application of rules, failure in implementing procedures. Maladministration is a political term that describes actions by government bodies that are seen as causing injustice. Maladministration refers to the behavior or actions of public service providers who tend to deviate, abuse, or exceed their legal authority (Haryatmoko, 2011: 50). Maladministration is an act or neglect of legal obligations by an agency or state apparatus that violates the general principles of good governance and causes harm or injustice, including if someone is not given proper service (Haryatmoko, 2011: 51).

2.6. RI Ombudsman Recommendation

Recommendations, among others, are interpreted as suggestions, but sometimes they can also mean advice (Sujata and Surahman, 2002: 194). In relation to the duties and authorities of the Ombudsman, the recommendations of the Ombudsman are more than just ordinary advice or advice to Government Officials or State Organizers regarding what should be done to improve the service that the community complains about, whether it is case-by-case or systemic.

Therefore, the recommendation from the Ombudsman relates to his duties as a supervisor appointed by the House of Representatives/Regional to improve good governance and create a conducive environment for service (fair law, including eradicating and preventing KKN behavior) (Sujata and Surahman, 2002: 202).

3. RESEARCH METHOD

3.1. Research focus

This dissertation research is public policy research. Policy research is research related to policy formulation, policy implementation, policy performance, and the policy environment (Nugroho, 2014). As for what is examined in this research is the implementation of the main tasks and functions of the Ombudsman RI with the following focus:

1. Implementation of the main tasks and functions of the Indonesian Ombudsman regarding cases of maladministration based on Recommendation Number: 001/REK/0834.2016/V/2018, with sub focus:
 - a) The process of receiving reports,
 - b) Report checking process
 - c) Results of inspection reports and
 - d) Implementation of Recommendations/Decisions.
2. Supporting Factors for the implementation of the duties and functions of the Indonesian Ombudsman based on Recommendation Number: 0001/REK/0834.2016/V/2018 with the following sub-focuses:
 - a) Commitment of the Indonesian Ombudsman Commissioner
 - b) Changes in Reported Bureaucratic Structure
3. The inhibiting factors for the implementation of the duties and functions of the Indonesian Ombudsman based on Recommendation Number: 0001/REK/0834.2016/V/2018 with sub-focuses are:
 - a) Internal factors,
 - b) External factors.

3.2. Research Informants

Research informants are people who can provide information. Research informants are people, objects or institutions (organizations) whose nature is being investigated (Sukandarumidi, 2002: 65). Research informants in this study are competent officials as representatives of all parties bound by the issuance of the RI Ombudsman Recommendation: 0001/REK/0834.2016/V/2018, namely:

- 1) Reporting Party
- 2) The Ombudsman.
- 3) The Reported Party (Kemendikbud, Research and Technology RI)
- 4) Witnesses.

3.3. Data analysis

Data analysis was carried out to organize, sort, classify, code or mark, and categorize them so that a finding was obtained based on the focus or problem of this research. Through this series of activities, scattered and piled qualitative data can be simplified so that it can finally be understood easily (Creswell, 2013).

After the data series is collected, then data analysis is carried out with the following processing procedures and techniques:

- 1) perform the selection and preparation of data classification,
- 2) perform data editing to build data analysis performance,
- 3) confirm data that requires data verification and data deepening, and
- 4) perform data analysis in accordance with the construction of the discussion of research results.

4. DISCUSSION

4.1. Implementation of the Main Duties and Functions of the Indonesian Ombudsman Based on Recommendation Number 0001/REK/0834.2016/V/2018

The emergence of the problem of alleged maladministration of equalizing doctoral diplomas and professors on behalf of (OL) at the Ministry of National Education in 2010 was handled by the Indonesian Ombudsman in August 2016 after reports from several parties including NGOs and lecturers. The handling of the RI Ombudsman is based on Law Number 37 of 2008. In the process of receiving reports, examinations, Recommendations (Decision) Number: 0001/REK/0834.2016/V/2018 Based on Law Number 37 of 2008 and implementation there are so many things that happen in Indonesia. outside the context and text of the law in question. However, it was born from a long process that gave birth to a policy in the form of recommendations as a form of policy product in the form of Law 37 of 2008 in the context of monitoring public servants.

If until now the RI Ombudsman Recommendation has not been implemented by the Ministry of Research, Technology and Higher Education of the Republic of Indonesia (now the Ministry of Education, Culture, Research and Technology of the Republic of Indonesia), since 2018 even though the name and minister have changed. Various arguments surfaced in solving it. The existence of reasons other than the law has become an attraction for resolving this case, which has sparked demands from lecturers and professors as well as NGOs for the decision of the Ombudsman of the Republic of Indonesia through the Recommendation of the Indonesian Ombudsman Number: 0001/REK/0834.2016/V/2018 to be obeyed by the ministry and implement everything that has been recommended by the Ombudsman of the Republic of Indonesia because it is mandatory in accordance with article 38 paragraph 1.

Various methods were used by the complainant, including filing a lawsuit to the district court or to the State Administrative Court (PTUN), including conducting demonstrations to the ministry. However, everything was nil even in court, the recommendation of the Indonesian Ombudsman is not considered evidence or a legal basis in resolving allegations of maladministration of doctoral degrees and professors (OL) at UNIMA.

Anderson in Agustino (2017: 17) defines public policy as a series of activities that have certain goals that are followed and carried out by a person or group of actors related to problems or things that are considered. Policy can also be seen as a system. The system is a series of interrelated and dependent parts and arranged in certain rules to produce a single unit. According to Dunn (2000) the policy system (policy system) includes the reciprocal relationship of three elements, namely public policy, policy actors and the policy environment. state administration system based on the principle of good governance.

4.1.1. Reporting Process and Report Receipt

Behavior or actions against the law, exceeding authority, using authority for purposes other than those for which the authority is intended, including negligence or neglect of legal obligations in the administration of public services carried out by State Administrators and the government that cause material and/or immaterial losses to the community and people. individual. This is known as maladministration (Law 37 of 2008). Referring to Heywood's opinion in (Taufiqhoman, 2015: 4 Maladministration is bad administration, inappropriate use of power, ambiguity in the application of rules, failure in implementing procedures.

Maladministration is a political term that describes the actions of a government body that are seen to have caused injustice. Maladministration refers to the behavior or actions of public service providers who tend to deviate, abuse, or exceed their legal authority (Haryatmoko, 2011: 50). Maladministration is an act or neglect of legal obligations by an agency or state apparatus that

violates the general principles of good governance and causes harm or injustice, including if someone is not given proper service (Haryatmoko, 2011: 51).

Table 1. Findings from the discussion of sub-topics 4.1.1

Part	SUB THINGS	FINDINGS
A.	Reporting Process There is an allegation of maladministration of the Equalization of Overseas Doctoral Degrees and Professors at the Indonesian Ombudsman.	1. Based on Law Number 37 of 2008, the Indonesian Ombudsman has carried out its obligations to receive reports and examine the feasibility of reports
		2. The contents of the report explain that there are allegations of maladministration in the community equalization Overseas doctoral certificate and Determination increase professorship
		3. The Ombudsman of the Republic of Indonesia is considered to have received reports of alleged maladministration in the equalization of doctoral degrees abroad and Determination increase expired professorship.
		4. The Ombudsman of the Republic of Indonesia accepts Report reported based on the substance of the report based on Article 7 of Law Number 37 of 2008
		5. The Ombudsman of the Republic of Indonesia has submitted the initial findings to the complainant and the reported party who did not in accordance purpose because it is used by the reported party
		6. There was a study permit issued by the Chancellor of the Manado State University in 2003 to this lecturer, but neither the content nor the model of the letter was valid at that time.

Minor Proposition 1

The receipt of reports on allegations of maladministration of equalizing doctoral diplomas abroad and professors on behalf of the lecturers in question has been implemented in accordance with Law number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia and followed up to the examination stage because there is sufficient initial evidence that allegations of maladministration have occurred in the report in question.

4.1.2. Inspection Process

Based on the RI Ombudsman Regulation No. 2 of 2009 concerning procedures for examination at the Indonesian Ombudsman, there are reports of alleged maladministration of equalizing doctoral diplomas abroad and promotion to professorships, so an examination is carried out by summoning the parties involved in the examination. The reported party is the Ministry of Research, Technology and Higher Education (formerly Kemenristek Dikti).

In the stage of studying this report after fulfilling the formal and material requirements, it begins by asking for clarification from the parties. Clarification is an action that aims to obtain an explanation from the Reported Party, the Reported Party's Superior, the Reporting Party and Witnesses related to reports of alleged maladministration submitted by the public. The examination begins with the complainants and witnesses submitted by the reporting party, and the reported party includes the lecturer who is the object of the alleged maladministration by the ministry.

The reporter was asked to explain the chronology of the incident. This problem clearly emerged during the rector election at Manado State University with as many as 25 prospective rector candidates. The final results of the screening at that time. three candidates for the Chancellor of Unima have been netted, one of which is OI.

Table 2. Findings of Sub-topic Discussion 4.1.2

PART	SUB THINGS	FINDINGS
B.	Examination Process Against Allegations of Maladministration of Overseas Doctoral Degree Equalization and Appointment of Professors at the Indonesian Ombudsman	7. In the stage of exploring this report after fulfilling the formal and material requirements, it begins by asking for clarification from the parties.
		8. Inspection started with the reporters and witnesses submitted by the reporting party, as well as the reported parties including the lecturers who became the object in guess deed maladministration carried out by the

PART	SUB THINGS	FINDINGS
		ministry.
		9. The reporter was asked to explain the chronology of the incident.
		10. On August 16, 2016, the PAMI NGO submitted additional evidence to the special staff of the minister in the form of a video recording containing Sister SM's confession regarding the engineering of a doctoral diploma abroad and evidence related to evidence of the professor's title of the lecturer in question which was allegedly not in accordance with the procedure.
		11. In the examination stage, all parties explain the problem according to the needs of the examiner or support This case includes the minister asking for clarification from the reporter on the issue of the diploma
		12. The witnesses were asked to testify about the legal basis for equalizing doctoral diplomas for overseas graduates.

Minor Proposition 2

Whereas the examination process has been carried out on the parties, both the complainant, the reported party and the witnesses, including documents that are evidence of the examination, including the reported party who does not fulfill the summons, it has been carried out based on the policy of Law Number 37 of 2008, in a fair and balanced manner.

4.1.3. Report Inspection Results

According to Sujata and Surahman (2002:88) the RI Ombudsman is tasked with, among others, seeking public participation by creating conditions conducive to the realization of a clean simple bureaucracy, good public services, efficient and professional judicial administration, including an independent and fair judicial process so that it can be guaranteed. there will be no bias.

Based on the results of the examination of all parties in allegations of unlawful acts in the form of maladministration in equalizing diplomas and promotions to professorships of individual lecturers referred to by the Ministry of Research, Technology and Higher Education (now the Ministry of Education and Culture, Research and Technology), the Indonesian Ombudsman before issue a Recommendation on the results of the examination as a legally binding product for the litigants, then a Final Report on the results of the examination is issued with the aim that the findings from the examination process are communicated to the reported party in order to resolve the problem before the issuance of the recommendation.

Table 3. Findings of Sub-topic Discussion 4.1.3

PART	SUB THINGS	FINDINGS
C.	Examination Results Against Allegations of Maladministration of Overseas Doctoral Degree Equalization and Appointment of Professors by the Ombudsman of the Republic of Indonesia	13. OL does not meet all the requirements referred to in the regulation of the Director General of Higher Education in the absence of a student visa.
		14. There are procedural irregularities in the process of appointing OL professors at the Kemenristekdikti.
		15. Attitude of the Reported III rated as a form of impropriety in state administrators and denying the principles of good governance considering that the relevant officials must be responsible for the work they carry out.
		16. The Ombudsman of the Republic of Indonesia considers that the reported party has been trapped by the formalities of distance learning which in the end is a doctoral diploma, which ignores the quality assurance dimension of a university person.
		17. The Ombudsman of the Republic of Indonesia also emphasized

		that the appointment of professors was not in accordance with the requirements because it was not accompanied by evidence of writing scientific papers journal national and international as well as the writing of monumental works..
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Minor Proposition 3

That there has been an unlawful act (maladministration) against the equalization of doctoral diplomas abroad because it is not in accordance with statutory procedures so that the diploma in question is procedural. Likewise with the promotion of functional positions that have violated the rules and are not legally valid.

4.1.4. Implementation of Examination Results (Recommendations)

In the next stage, with the results of an examination by the Ombudsman of the Republic of Indonesia, based on article 37 paragraph 3 of Law Number 37 of 2008 must be submitted to the Reporting Party, the Reported Party, and the Reported Party's superiors no later than 14 (fourteen) days from the date of the signed Recommendation. by the Chairman of the Ombudsman of the Republic of Indonesia on reports of alleged maladministration of the Equalization of Overseas Doctoral Degrees and the Appointment of Professors.

The Ombudsman of the Republic of Indonesia persuasively asked the reported party to evaluate and improve the 5 (five) things suggested in the LAHP. However, after the time limit determined, the reported party has not yet provided a report on the implementation of the suggestions and follow-up actions that we have provided. However, the reporting party questioned the LAHP settlement process that had been given to the reported party.

Table 4. Discussion Findings for sub-topics 4.1.4

NO	SUB THINGS	FINDINGS
D.	Implementation of Final Examination Results Against Allegations of Maladministration of Overseas Doctoral Degree Equalization and Appointment of Professors at the Ombudsman of the Republic of Indonesia	18. The Ombudsman of the Republic of Indonesia persuasively asked the reported party to evaluate and improve the 5 (five) things suggested in the LAHP. However, after the time limit determined, the reported party has not yet provided a report on the implementation of the suggestions and follow-up actions that we have provided.
		19. The Indonesian Ombudsman has made persuasive efforts to the reported party to comply with the advice that has been given.
		20. interest affected, namely interests that can influence policy implementation, namely the duties and functions of the Ombudsman based on Article 38 of Law Number 37 of 2008 which resulted in Recommendation Number: 001/REK/0834.2016/V/2018 has entered the area of greater interest, namely the DPR and the President than the interests of the reported party, making it difficult to implement.
		21. type of benefits, namely the type of benefit that shows the positive impact generated, but tends to cause an unfavorable conflict of interest compared to the case that occurred.
		22. extent of change envision, which is how much change you want or want to achieve through an implementation so that it must have a clear scale, but in this case, the nature of the scale is only in a very small scope.
		23. the site of decision making, that is, the location of the decision making of a policy to be implemented, depends on the reported party, so that result in disobedience.
		24. The Ombudsman of the Republic of Indonesia persuasively asked the reported party to evaluate and improve the 5 (five) things suggested in the LAHP. However, after the time limit determined, the reported party has not yet provided a report on the

		implementation of the suggestions and follow-up actions that we have provided.
		25. The Indonesian Ombudsman has made persuasive efforts to the reported party to comply with the advice that has been given.
		26. interest affected, namely interests that can influence policy implementation, namely the duties and functions of the Ombudsman based on Article 38 of Law Number 37 of 2008 which resulted in Recommendation Number: 001/REK/0834.2016/V/2018 has entered the area of greater interest, namely the DPR and the President than the interests of the reported party, making it difficult to implement.

Minor Proposition 4

That the implementation of the main tasks and functions of the Indonesian Ombudsman with the issuance of Recommendation Number 0001/REK/0834.2016/V/2018 has been of an interest affected nature, that is, it has entered the area of greater interest, namely the DPR and the President than the interests of the reported party, making it difficult to implement.

4.2. Factor-Supporters and Obstacles to the Implementation of the Main Duties and Functions of the Indonesian Ombudsman Based on Recommendation Number: 0001/REK/0834.2016/V/2018

4.2.1. Supporting factors

4.2.1.1. Commitment of the Ombudsman Commissioner

In carrying out the duties and functions of the Indonesian Ombudsman regarding reports of alleged maladministration of equalizing doctoral degrees abroad and the promotion of functional positions of professors on behalf of (OL) can run smoothly at the stage of receiving the report until the recommendation is issued, it can be ascertained that because it is supported by the commitment of the RI Ombudsman commissioner personally. Many things have been done by the reported parties, especially Reported Party II and the object of the report in order to influence the examination process at the Ombudsman RI, but the commitment of the commissioner personally to handle this report, so that it can reach the recommendation stage.

In fact, the whistleblower's doubts have arisen since the beginning of the reporting. But the reporting process is good. It even provides instructions that are a requirement for the receipt of the report. Even when there was an initial finding that there was actually no alleged maladministration of the RI Ombudsman's report, the commissioner responded quickly, and took the stages of report completion very seriously.

In accordance with our duties and functions (the Ombudsman), when receiving reports of allegations of maladministration of equalizing doctoral diplomas abroad. The commissioner in charge of education immediately responded by calling the complainant and the reported party. In fact, a clarification was immediately made on this report. According to the results of the clarification, it was initially concluded that there were no problems in equalizing overseas doctoral diplomas and the promotion of functional professorship positions on behalf of OL. The results are also directly submitted to the complainant.

5.2.1.2. Reported Bureaucracy Changes

The organizational structure in charge of implementing the policy has a significant influence on the implementation of the policy. Aspects of the organizational structure are Standard Operating Procedure (SOP) and fragmentation. Organizational structures that are too long will tend to weaken supervision and lead to red tape, namely complicated and complex bureaucratic procedures, which make organizational activities inflexible.

Changes in the bureaucratic structure in the management of higher education gave way to the implementation of recommendations regarding the review of the equalization of doctoral degrees abroad and the revocation of promotions to professorships on behalf of (OL) because it was confirmed to be illegal because it was contrary to the provisions of the legislation in force at that time. Of course, it is hoped that this change can encourage the implementation of Recommendation Number: 0001/REK/0834.2016/V/2018 which has not been implemented by previous ministries. Moreover, the structure of the bureaucracy and its ministers has changed. Moreover, the Minister of Education and Technology hopes that his staff will resolve this case as

soon as possible. Even give a maximum of 3 months. This time is needed for the reason that this issue is quite complex and has been happening for a long time.

Changes in the bureaucratic structure that manages higher education have realized the policies of the Indonesian Ombudsman in the form of recommendations, which are implemented in a de facto form.

Table 5. Findings Discussion of sub-topics 4.2.1

PART	SUB THINGS	FINDINGS
E	Supporting Factors for the Implementation of the Duties and Functions of the Indonesian Ombudsman against the Recommendation of the Indonesian Ombudsman Number 0001/REK/0834.2016/V/2018	27. In carrying out the duties and functions of the Indonesian Ombudsman regarding reports of alleged maladministration of equalizing doctoral degrees abroad and the promotion of functional positions of professors on behalf of (OL) can run smoothly at the stage of receiving the report until the recommendation is issued, it can be ascertained that because it is supported by the commitment of the RI Ombudsman commissioner personally.
		28. Many things have been done by the reported parties, especially Reported Party II and the object of the report in order to influence the examination process at the Ombudsman RI, but the commitment of the commissioner personally to handle this report, so that it can reach the recommendation stage.
		29. The Ombudsman is very serious in handling this case, even though the reported parties are ministers and high-ranking officials within the ministry.
		30. The Indonesian Ombudsman Commissioner claims that the task is to direct the objectives of the report to those who are competent to resolve this issue.
		31. The change in the bureaucratic structure in the management of higher education gave way to the implementation of recommendations regarding the review of the equalization of doctoral diplomas abroad and the revocation of promotions to professorships on behalf of (OL) because it was confirmed to be illegal because it was contrary to the provisions of the prevailing laws and regulations at that time. Of course, it is hoped that this change can encourage the implementation of Recommendation Number: 0001/REK/0834.2016/V/2018 which has not been implemented by previous ministries.
32. The implementation of the RI Ombudsman Recommendation is still in a de facto form, however, it has significantly reduced the problem. This attitude of the Ministry of Education and Culture is a manifestation of the change in the bureaucratic structure due to the transfer of higher education affairs from the Ministry of Research, Technology and Higher Education to the Ministry of Education and Culture.		

Minor Proposition 5

The Commissioner's personal commitment and changes in the internal bureaucratic structure with the implementation of policies in the form of de facto are supporting factors in the implementation of the main tasks and functions of the Indonesian Ombudsman so that in the process of receiving reports until the issuance of the recommendation of the Indonesian Ombudsman Number: 0001/REK/0834.2016/V/2018 regarding equalization maladministration a doctoral degree abroad and a functional promotion to a professor at the Manado State University.

4.2.2. Obstacle factor

According to Grindle (in Subarsono, 2011: 93) that the success of implementation is influenced by two major variables, namely the content of the policy (content of policy) and the implementation environment (context of implementation). These variables include: the extent to which the interests of the target group or target group are contained in the content of the policy, the types of benefits received by the target group, the extent to which changes are desired from a policy, whether the location of a

program is correct, whether a policy has mentioned the implementor in detail, and whether a program is supported by adequate resources.

There are two factors that hinder the implementation of the main tasks and functions based on the Ombudsman Recommendation Number: 0001/REK/0834.2016/V/2018 Based on Law Number 37 of 2008. These two factors are internal factors of the Ombudsman, namely the content of the Law that regulates the objectives of the Ombudsman, and its authority regarding this institution and external factors, namely suggestions and interests of the reported party. For more details, researchers have conducted research on these factors as follows:

4.2.2.1. Internal

4.2.2.1.2 Weak Existence of Laws

After the issuance of the Ombudsman's recommendation Number: 0001/REK/0834.2016/V/2018 based on Law Number 37 of 2008, on 31 May 2018, the recommendations have not been implemented until now. The most basic problem and impact on the implementation of the RI Ombudsman Recommendation Number: 0001/REK/0834.2016/V/2018 which is a manifestation of the implementation of the main tasks and functions of the Ombudsman based on Law Number 37 of 2008 and the Indonesian Ombudsman's Regulation Number 2 of 2009, is regarding the execution of this decision. In this case, the uncertainty regarding the execution of the decision (Recommendation) based on article 38 paragraph 1, has been exploited by the parties concerned because they feel "harmed" to the recommendation. There should be an article in this law to give the authority to carry out executions using state instruments related to the execution of the recommendations in question, for example the prosecutor's office as the executor. Due to the absence of these stages, the result of the recommendation of the Ombudsman of the Republic of Indonesia is absurd.

The existence of the Recommendation of the Indonesian Ombudsman as a product of state law does not become a force of proof in legal institutions, both the police and the general court, which must be carried out by the reported party in a decision that can be used as evidence. That there has been a legal deviation as stipulated in Article 4 in letter a which reads that the Ombudsman of the Republic of Indonesia has created a democratic, just and prosperous legal state; and in letter e which reads to increase the national legal culture, public legal awareness, and the rule of law with the core of truth and justice. So the internal weakness of the Indonesian Ombudsman in the form of authority according to the law is not clear in its direction and purpose. It can be concluded that the existence of a law that regulates the main tasks and functions of the Ombudsman is based on Recommendation Number: 0001/REK/0834.

4.2.2.1.2. Institutional Performance

As the commissioner who handled this case after the recommendation of the Indonesian Ombudsman was issued, there was something that was not done but the Ombudsman's obligation was to publish and submit a request to impose sanctions on the reported party, but that was not done. The reason the question was not published in the mass media regarding the non-implementation of the relevant recommendation was because there was no budget for it. This, of course, is beyond the issue of the Indonesian Ombudsman because it is already available. There must be something related to the interests of the reported party so that it is not published. Because the issue of publication is the order of Article 38 paragraph 4 of Law 37 of 2008.

The existence of interest wrapped around the RI Ombudsman in implementing this recommendation can be seen from the provisions that have been regulated in the examination process until the recommendation is issued only takes less than a year, but in this case the results of the examination take two years. That the Ombudsman was unable to forcefully present OL and the reported party to come to fulfill his summons to deliver the requested documents in connection with the purpose of the examination. Even though it is clear in Article 31 of Law No. 37 of 2008 and confirmed by Article 28 of the RI Ombudsman Regulation No. 2 of 2009.

This is of course an internal weakness. There are rules that regulate but they seem not to use it outside of the provisions, of course this will strengthen the position of the reported party and hinder the implementation of the recommendations. The role of the Ombudsman is not optimal because it is influenced by interests outside the provisions. As a result, recommendations have lost meaning in law enforcement for public services in Indonesia. On the other hand, the Ombudsman of the Republic of Indonesia does not seem to fully understand his duties and obligations to resolve this issue, so that when there is pressure, there is only seriousness in reviewing their duties in supervising the implementation of recommendations.

Table 6. Findings of sub-topic discussion 4.2.2.1

PART	SUB THINGS	FINDINGS
F	Internal Factors Inhibiting the Implementation of the Main Duties and Functions of the Indonesian Ombudsman based on Recommendation Number: 0001/REK/0834.2016/V/2018	33. The implementation of the Ombudsman Recommendation Number: 0001/REK/0834.2016/V/2018 which is a manifestation of Law Number 37 of 2008, is a matter of execution decision this.
		34. Implementors must know whether other people involved in implementing the policy comply with the law. This becomes difficult to do because the duties and functions of the Ombudsman as the implementor that produce permanent legal decisions in the form of recommendations do not have the authority to be the executor.
		35. When referring to Law 37 of 2008, it can berated when there are problems maladministration In the implementation of the state, both by central and regional officials, everything must involve the president, and the DPR RI if the recommendations are not implemented, as explained in article 38 paragraph 4
		36. The Ombudsman of the Republic of Indonesia does not have a legal basis to immediately make a party Ministry of Education and Culture RI (minister) as the reported party who is given a sanction for demobilization. Moreover, the previously reported party consisted of 3 (persons). So that the reason for studying this problem by the new reported party becomes the objective reason for the recommendation not to be implemented by the new reported party.
		37. Handling less professional as well as involving other aspects outside the provisions resulting in a protracted completion time until the transfer of the institution responsible for higher education to higher education Ministry of Education and Culture RI.
		38. Based on these provisions, it can be said that the Ombudsman has committed maladministration in carrying out its duties and functions regarding the time that should have only been around 132 days. more than 700 days or almost two years process solution this case.
		39. Weak recommendation of the RI Ombudsman Number: 0001/REK/0834.2016/V/2018 to be implemented by the reported party real, because there is no consequence which are legally binding and those who have the right to carry out these obligations are the reported parties themselves.

Minor Proposition 6

The Ombudsman of the Republic of Indonesia does not have a legal basis to immediately make the Ministry of Education and Culture RI (minister) as the reported party who is given sanctions for demobilization. Moreover, the previously reported party consisted of 3 (persons). So that the reason for studying this problem by the new reported party becomes the objective reason for the recommendation not to be implemented by the new reported party. Even the Ombudsman of the Republic of Indonesia has carried out maladministration in carrying out his duties and functions regarding the time that should have only been around 132 days to more than 700 days or it took almost two years for the process of resolving this case which resulted in the completion of this case being more complicated due to the different social situations.

4.2.2.2 External

After a report to the ministry regarding the alleged use of fake diplomas by lecturers because they were obtained not in accordance with the procedures applicable to overseas diplomas, then based on BKN regulation No. 25 of 215, it was categorized as fake. After being submitted to the ministry and not receiving a response, the Indonesian Ombudsman becomes a place for the complainants to follow up on any irregularities in obtaining the diploma. After proceeding with the Ombudsman of the Republic

of Indonesia regarding the alleged maladministration, it reached Recommendation 0001/REK/0834.2016/V/2018 based on Law Number 37 of 2008. At the Recommendation stage that should have been implemented, there were external factors that hindered the implementation of the Ombudsman's recommendations. the.

1. Attitude of the Reported Person as a State Administrator

The attitude of the reported party determines the implementation or not of the implementation of the main tasks and functions of the Indonesian Ombudsman in implementing Recommendation 0001/REK/0834.2016/V/2018. This happens because the reported party is the key to the implementation of recommendations that have not yet been implemented. This situation occurs because the law provides the widest possible alternative for that. The attitude of the reported person emphasizes more on what is the opinion of those who consider that the maladministration problem carried out by the reported parties as stated by the Ombudsman of the Republic of Indonesia through its recommendations, is considered unproven, based on the parameters they use, namely the interpretation of existing provisions, both regarding the Law -Law Number 37 of 2008,

If the reported party is the regulator and they do it consistently, then this will not happen and the reported party has acted before entering the Ombudsman. This action shows that his interest in rejecting the recommendation is no longer in the interest of the reported party in enforcing the rules but the interests of elements in the reported environment when ratifying the certificate of equalization of diplomas and those who justify the equalization of diplomas after the lawsuit even though the time is different. In this way, the recommendations are difficult to implement.

2. Involving Other Institutions Outside the Litigation

The involvement of outsiders in this case is the reported superior, which has complicated the duties and functions of the Indonesian Ombudsman in resolving the case of the RI Ombudsman Recommendation Number 0001/REK/0834.2016/V/2018. Moreover, the process of issuing recommendations did not involve the reported superiors, in this case the president, from the start, but was required to implement the recommendations. This will raise the issue of interest between the rights and obligations of the reported superior. On the one hand, they are responsible for the administration of the state by appointing officials based on their prerogatives, but are required to provide sanctions of discharge for the reported party.

According to Edward III, there are three indicators that can be used in measuring the success of the communication variable, namely a matter of clarity, namely the communication received by policy implementers (street-level-bureaucrats) must be clear and not confusing. The ambiguity of the policy message does not always hinder implementation, at a certain level, but the implementers need clarity of information in implementing the policy so that the objectives to be achieved can be achieved according to the policy content.

From the previous research, it shows that the Ombudsman cannot carry out his duties properly in supervising public service activities. This is the same as what happens in an unlawful act in the form of maladministration the equalization of doctoral degrees and the appointment of functional professors of individual lecturers at the Manado State University; the appointment to the position of Chancellor in 2016-2020 cannot be completed based on the law.

Table 7. Findings of sub-topic discussion 4.2.2.2

PART	SUB THINGS	FINDINGS
E.	External Factors Inhibiting the Implementation of the Main Duties and Functions of the Ombudsman Based on Recommendation Number: 0001/REK/0834.2016/V/2018	40. The attitude of the reported party will determine whether or not the implementation of the main tasks and functions of the Ombudsman of the Republic of Indonesia is carried out implementation Recommendation 0001/REK/0834.2016/V/2018. This happens because the reported party is the key to the implementation of recommendations that have not yet been implemented implemented. This situation occurs because the law provides the widest possible alternative for that.
		41. As for the attitude of the reported party, it emphasizes what is the opinion of those who consider that the problem of maladministration carried out by the reported parties as stated by the Ombudsman of the Republic of Indonesia through his recommendations, is considered unproven.
		42. When examining as the reported party, the reported party tends not to transparently explain the alleged maladministration of the equalization of doctoral degrees abroad and the promotion of the OL professorship in question.
		43. As for the contents of the decision which implicit rejecting the recommendation is in the form of a letter signed by the other reported

		<p>persons Number: T/308/D.DII.2/KK.01.00/2019 and addressed to the Secretary General Kemenristekdikti.</p> <p>44. The involvement of outsiders in this matter has complicated the tasks and functions of the Indonesian Ombudsman in resolving the case of the RI Ombudsman Recommendation Number 0001/REK/0834.2016/V/2018. Moreover, the process of issuing recommendations does not involve the reported superiors, but is required to implement the recommendations.</p>
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Minor Proposition 7

The involvement of the reported superiors in implementing the recommendations has made it difficult for the main tasks and functions of the RI Ombudsman in completing the RI Ombudsman Recommendation Number 0001/REK/0834.2016/V/2018 regarding maladministration of equalization of doctoral degrees abroad and the determination of the promotion of professor functional positions, because in the process the issuance of the recommendation does not involve the reported superior from the beginning who was not properly examined, but is required to implement the recommendation.

Major Proposition

The existence of Law Number 37 of 2008 is a weak point in the implementation of the main tasks and functions of the Indonesian Ombudsman which is not supported by the executive authority and only depends on the attitude of the reported party to carry out or not. Moreover, the implementation of the recommendation involves outside parties, in this case the reported superior, but the inspection process does not involve the reported superior to confirm in what substance the reported superior is also responsible for the maladministration problem carried out by the reported party.

5. CLOSING

5.1. Conclusion

Based on the research discussion above, it can be concluded that the main tasks and functions of the Indonesian Ombudsman in Recommendation Number: 0001/REK/0834.2016/V/2018 concerning maladministration of equalization of doctoral degrees abroad and promotion to professorship by the Ministry of National Education in 2010, have been carried out with the stages are based on the provisions of the applicable legislation, both receipt of reports, examination and formulating the results of the examination.

The existence of legal support in the stages mentioned above, which are Legally Binding, has made it easier for all parties to fulfill the process carried out by the Indonesian Ombudsman in resolving the maladministration in question. Because it expressly states that the Ombudsman of the Republic of Indonesia in the context of the examination can forcibly summon the reported parties based on Article 31 of Law Number 37 of 2008.

However, entering the stage of implementing the decision or recommendation, the Ombudsman of the Republic of Indonesia finds it difficult to carry out his duties and functions in carrying out the recommendation execution. The reported party took the same attitude. The reported party II has issued a letter Number: T/308/D.DII.2/KK.01.00/2019 dated January 29, 2019 that the Decree of the Minister of National Education of the Republic of Indonesia Number 42296/A4.3/KP/2011 concerning the promotion of Professorship, and the Decree of the Director General of Higher Education of the Ministry of National Education of the Republic of Indonesia Number 2024/Dikti/Kep/IJLN/2010 concerning the Determination of the Assessment Results of Overseas Higher Education Diplomas stating that the two decisions do not need to be changed.

There are two factors that hinder the implementation of the main tasks and functions of the Indonesian Ombudsman in implementing Recommendation Number: 0001/REK/0834.2016/V/2018 Based on Law Number 37 of 2008. These factors are internal factors of the Indonesian Ombudsman, namely the contents of the Act. which regulates the main tasks and functions and authorities regarding this institution and external factors, namely the interests of the reported party. For more details, researchers have conducted research on these factors as follows:

1) Supporting Factors for the Implementation of the Duties and Principals and Functions of the Indonesian Ombudsman based on Recommendation Number: 0001/REK/0834.2016/V/2018

a. Commitment of the Commissioner

In carrying out the duties and functions of the Indonesian Ombudsman regarding reports of alleged maladministration of equalizing doctoral degrees abroad and the promotion of functional positions of professors on behalf of (OL) can run smoothly at the stage of receiving the report until the recommendation is issued, it can be ascertained that because it is supported by the commitment of the RI Ombudsman commissioner personally. Many things have been done by the reported parties, especially Reported Party II and the object of the report in order to influence the examination process at the Ombudsman RI, but the commitment of the commissioner personally to handle this report, so that it can reach the recommendation stage.

b. Bureaucratic Change

The change in the bureaucratic structure in the management of higher education gave way to the implementation of recommendations regarding the review of the equalization of doctoral diplomas abroad and the revocation of promotions to professorships on behalf of (OL) because it was confirmed to be illegal because it was contrary to the provisions of the prevailing laws and regulations at that time.

The implementation of the RI Ombudsman Recommendation is still in a de facto form, however, it has significantly reduced the problem. This attitude of the Ministry of Education and Culture is a manifestation of the change in the bureaucratic structure due to the transfer of higher education affairs from the Ministry of Research, Technology and Higher Education to the Ministry of Education and Culture.

2) Factors Inhibiting the Implementation of the Duties and Principals and Functions of the Indonesian Ombudsman based on Recommendation Number: 0001/REK/0834.2016/V/2018

a. Internal

(1) Weak Existence of Laws

Law Number 37 of 2008 and the Indonesian Ombudsman's Regulation Number 2 of 2009 as the basis for the Ombudsman of the Republic of Indonesia in dealing with maladministration of the equalization of doctoral degrees abroad and the determination of the promotion of a professor's functional position at the Ministry of National Education, the recommendation of the Indonesian Ombudsman becomes absurd to implement. The involvement of outside parties from the litigants, in this case the reported superiors, is likely to create resistance to the substantive reasons for involving the reported superiors to be responsible for the recommendations in question. Moreover, the decision (recommendation) emphasizes morally binding, it will be difficult if it concerns the interests of the reported party.

Law Number 37 of 2008 and the Ombudsman Regulation of the Republic of Indonesia Number 2 of 2009 do not carefully support the implementation of the main tasks and functions of the Ombudsman to completely resolve maladministration regarding the equalization of overseas doctoral diplomas and the determination of the promotion of professor functional positions that occurred in 2010 and is ongoing. Until now, when diplomas and professorships were used in the process of selecting a rector, which had confirmed the requirements to become a Chancellor, at least a doctoral degree. On the other hand, this problem is not resolved, that the main tasks and functions of the Ombudsman are based on the rules in question, indicating that the Ombudsman as a public service supervisory institution cannot guarantee that state and government administrators support efforts to create good governance. clean and efficient as well as an implementation of democratic principles that need to be developed and applied in order to prevent and eliminate abuse of authority by state and government officials. In addition, to support the aspirations that are developing in society in order to create an effective and efficient, honest, clean, open and free state administration and government apparatus from corruption, collusion and nepotism, it is necessary to establish an Ombudsman of the Republic of Indonesia.

The laws and regulations regarding the main tasks and functions of the Ombudsman dealing with maladministration regarding the equalization of overseas doctoral diplomas and the determination of the functional promotion of professors that occurred in 2010 are not sufficient for the implementation of the ombudsman's recommendations in this regard. Not to mention the internal problems that have arisen in this regard. between the commissioners at that time about the polemic of the commissioner's position regarding the status of civil servants (PNS) which was considered to violate the provisions. The inability of the chairman of the Ombudsman RI is influenced by his interest as a civil servant in dealing with this maladministration problem.

The existence of interest wrapped around the RI Ombudsman in implementing this recommendation can be seen from the provisions that have been regulated in the examination process until the recommendation is issued only takes less than a year, but in this case the results of the examination take two years. He continued that the Ombudsman was unable to forcibly present the

intended lecturer and the ministry's unscrupulous officials to come to fulfill his summons to submit the requested documents in connection with the purposes of the examination.

The strength of the Act that binds explicitly to the parties lies in Article 31 which reads: "In the event that the Reported Party and the witness as referred to in Article 28 paragraph (1) letter a have been summoned 3 (three) times in a row, they fail to comply with the summons by For valid reasons, the Ombudsman may request assistance from the Indonesian National Police to present the person concerned by force". Based on the article, the Ombudsman has the authority to drag the Reported Party to attend and be examined, because the consequences are imprisonment. Moreover, it has been confirmed in Article 44 of Law Number 37 of 2008 which reads: "Everyone who hinders the Ombudsman from carrying out the examination as referred to in Article 28 shall be punished with imprisonment for a maximum of 2 (two) years or a fine of a maximum of Rp. 1,000,000,000. ,

(2) Institutional Performance

The existence of interest wrapped around the Indonesian Ombudsman towards the implementation of the Ombudsman Recommendation Number: 0001/REK/0834.2016/V/2018 can be seen from the provisions that have been regulated in the examination process until the recommendation is issued only takes less than a year, but in this case the results of the examination take time. two years.

That the Ombudsman is unable to forcibly present the said lecturer and the ministry of the Head of Division to come to fulfill your summons to submit the requested documents in connection with the purpose of the examination. Even though it is clear in Article 31 of Law No. 37 of 2008 and confirmed by Article 28 of the RI Ombudsman Regulation No. 2 of 2009. But this was not done.

b. External

(1) Attitude of the Reported Party as a State Administrator

The attitude of the reported party has been very decisive so that until now Recommendations Based on the information obtained by researchers, it hinders the implementation of recommendations 0001/REK/0834.2016/V/2018. During the examination as the reported party, the ministry was not cooperative, to explain the alleged maladministration of equalizing doctoral diplomas abroad and the promotion of the professorship of the individual lecturer in question. For example, the ministry as the reported party did not come to the examination to show documentary evidence to ensure the truth about the status of diplomas and promotions to professorships. There is an argument that they put forward regarding the examination of the Indonesian Ombudsman on the case of equalization of diplomas and promotions to professorships. processed by the Ombudsman of the Republic of Indonesia because it has expired.

The ministry should be the regulator and they should do it seriously, so this doesn't happen and the ministry has acted before entering the Ombudsman. This action shows that its interest in rejecting the recommendation is not the ministry's interest in enforcing the rules but the interests of the elements in the ministry at the time of ratifying the certificate of equalization of diplomas and the persons who justified the equalization of the diplomas after the lawsuit even though the time was different. In this way, the recommendations are difficult to implement.

(2) Involving other Institutions Outside the Reporter and the Reported Party

The non-implementation of Ombudsman Recommendation Number 0001/REK/0834.2016/V/2018 concerning maladministration regarding the equalization of Overseas Doctoral Degrees and the Promotion of Professor Functional Positions, there are two external institutions that have not responded at all to date. Based on article 8 paragraph 2 letter 1 and Article 38 paragraph 1 Based on Law Number 37 of 2008, the Ombudsman of the Republic of Indonesia has written to the president and the DPR-RI regarding the non-implementation of Recommendation Number 0001/REK/0834.2016/V/2018. On November 16, 2018, the Ombudsman reported it to the president through letter number 2087/ORI-SRT/XI/2018 and to the DPR through letter Number 2088/ORI-SRT/XI/2018. However, until now there has been no institutional follow-up.

5.2. Implications of Analytical Results

Academically, the results of this research are expected to provide an analytic and informative contribution to the development of social sciences and specifically the development of theories of public policy implementation. In addition, the findings of this study are also expected to be of benefit to the Ombudsman of the Republic of Indonesia, the central government in this case the President of the Republic of Indonesia, and the DPR-RI in formulating a relevant policy, to present the role of the Ombudsman of the Republic of Indonesia which is more effective and useful in carrying out his duties in overseeing the course of

action. public services in Indonesia. Likewise with the Ministry of Education, Culture, Research and Technology of the Republic of Indonesia in carrying out ministry policies based on the principles of good governance.

Based on the conclusions of the study as described above, the authors propose theoretical and practical implications, namely:

1. Theoretical Implication

- a. Public policy must be supported by content that supports the implementation of the goals expected from the birth of the policy, such as being easy to implement, not having multiple interpretations and focusing on implementation targets.
- b. Policy implementation must be supported by instruments that bind parties, both implementers and implementation targets concerning obligations and not rights.
- c. The contents of the policy implementation must clearly and explicitly explain the implementation objectives without involving other parties.
- d. Implementing mandatory public policies must be followed by the implementor's authority which is legally binding on the target.
- e. The implementation of mandatory public policies cannot be limited by time regarding the occurrence of negligence of an obligation but is limited to the impact that occurs

2. Practical Implications

The results of this study are input for:

- a. The Ombudsman of the Republic of Indonesia to conduct a judicial review of the contents of the articles that have so far made this institution unable to realize the results of its decisions in the form of recommendations because it is only morally binding and depends on the attitude of the target based on institutional interests. Including revoking articles involving other parties or superiors from the reported party suspected of committing mal-administration.
- b. Stating through the contents of the law that maladministration is an unlawful act that can be sued and can be sued and sued in a general court.

5.3. Suggestion

Based on the findings and discussion in this study, the following suggestions are submitted:

- 1) It is necessary to make changes to several articles in Law Number 37 of 2008 which guarantee the effectiveness of the Main Duties and Functions of the Ombudsman of the Republic of Indonesia to be able to execute every decision with a Legally Binding approach, which has coercive legal force with criminal consequences. This is by improving article 38 with paragraph 1 which includes criminal threats if they do not carry out the recommendations of the Indonesian Ombudsman so that it is balanced with article 31 where there is a forced effort for the reported party who does not comply with the summons and article 44 concerning criminal threats for those who hinder the RI Ombudsman in the examination process. case.
- 2) In order to avoid a conflict of interest in the implementation of the recommendations, then Article 38 paragraphs 2 and 4 which involve the reported superiors and also involve the DPR are very necessary to be reviewed so that the implementation of the recommendations does not need to involve the presidential institution and the DPR for any recommendations that are not implemented.
- 3) Every recommendation as a policy product of Law Number 37 of 2008 must be implemented easily and clearly in solving problems that arise due to the implementation of public services.
- 4) Cultivate the Indonesian Ombudsman in the process of state administration in the supervision of public servants.
- 5) The Ombudsman of the Republic of Indonesia is an institution that is free from the influence of group or individual interests, by implementing strict Standard Operating Procedures (SOPs).

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