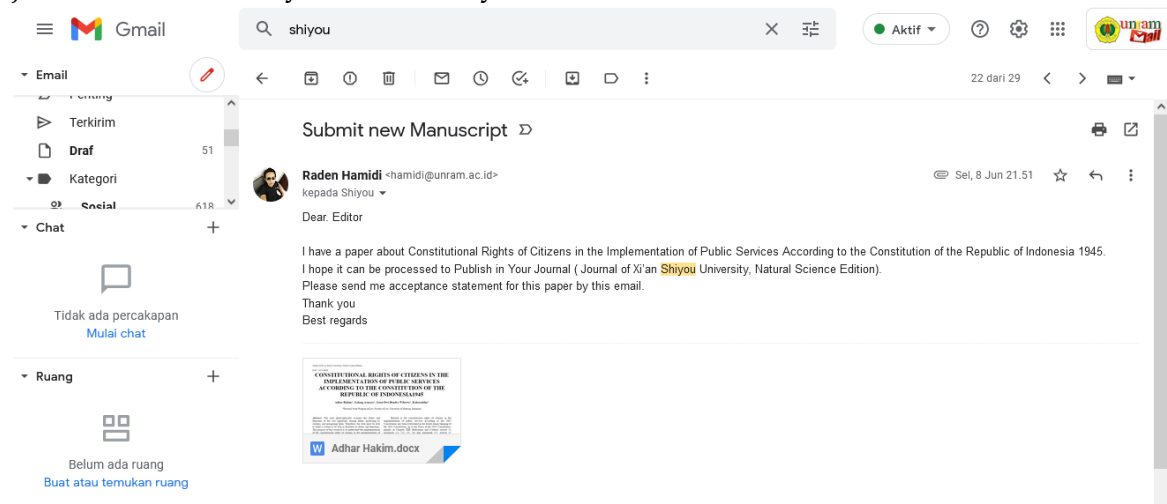


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Author	:	Adhar Hakim, Galang Asmara, Gatot Dwi Hendro Wibowo, Kaharuddin
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Title	:	CONSTITUTIONAL RIGHTS OF CITIZENS IN THE IMPLEMENTATION OF PUBLIC SERVICES ACCORDING TO THE CONSTITUTION OF THE REPUBLIC OF INDONESIA1945

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CONSTITUTIONAL RIGHTS OF CITIZENS IN THE IMPLEMENTATION OF PUBLIC SERVICES ACCORDING TO THE CONSTITUTION OF THE REPUBLIC OF INDONESIA 1945

• Adhar Hakim, Galang Asmara, Gatot Dwi Hendro Wibowo, Kaharuddin Doctoral Study Program of Law, Faculty of Law, University of Mataram, Indonesia

Abstract

The state philosophically assumes the duties and functions of the very important, among others, protecting its citizens, and prospering them. Therefore, the state must be able to build a system to be able to facilitate its duties and functions. The purpose of this research is to understand the implementation of the constitutional

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CONSTITUTIONAL RIGHTS OF CITIZENS IN THE IMPLEMENTATION OF PUBLIC SERVICES ACCORDING TO THE CONSTITUTION OF THE REPUBLIC OF INDONESIA 1945

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Abstract- The state philosophically assumes the duties and functions of the very important, among others, protecting its citizens, and prospering them. Therefore, the state must be able to build a system to be able to facilitate its duties and functions. The purpose of this research is to understand the implementation of the constitutional rights of citizens in the implementation of public services as referred to in the 1945 Constitution and to understand the concept of the model of protection of citizens' rights in the implementation of public services in the future. This type of research is normative legal research, which is research that examines positive legal norms and legal principles applicable in Indonesia, especially in various laws and regulations on the constitutional rights of citizens in the maintenance of public services under the 1945 Constitution. Using primary, secondary, and tertiary legal materials. The state philosophically assumes the duties and functions of the very important, among others, protecting its citizens, and prospering them. Therefore, the state must be able to build a system to be able to facilitate its duties and functions. The purpose of this research is to understand the implementation of the constitutional rights of citizens in the implementation of public services as referred to in the 1945 Constitution and to understand the concept of the model of protection of citizens' rights in the implementation of public services in the future. This type of research is normative legal research, which is research that examines positive legal norms and legal principles applicable in Indonesia, especially in various laws and regulations on the constitutional rights of citizens in the maintenance of public services under the 1945 Constitution. Using primary, secondary, and tertiary legal materials.

Index Terms- Constitutional Rights, Citizens' Rights, Public Services

I. INTRODUCTION

In the fourth paragraph of the Preamble to the Constitution of the Republic of Indonesia in 1945 (hereinafter abbreviated as the 1945 Constitution) affirms that the objective of the Government of Indonesia is to promote the general welfare, educate the nation's life, and participate in implementing world order. State given authority and as a representation of the people and as a state of law, put the 1945 Constitution as a constitution, as the basic law (*droit constitutional*).

Related to the constitutional rights of citizens in the implementation of public services according to the 1945 Constitution, has been established in the fourth alenia Opening of the 1945 Constitution, up to the Torso of the 1945 Constitution, namely in Chapter XIII (Education and Culture) Article 31 paragraph (1), (2), (3), (4) and paragraph (5), Article 32 paragraph (1), and paragraph (2), and Chapter XIV (Economy and Social Welfare) Article 33 paragraph (1), (2), (3), (4), (5), and Article 34 (paragraphs (1), (2), (3) and (4)). While the form of implementation of public service in Indonesia is carried out operationally based on Law No. 25 of 2009 on Public Service as an organic law. Law No. 25 of 2009 is a *formell gesetz* that is under the 1945 Constitution, ideally should be able to implement the implementation of ideas for the implementation of public services as has been poured starting from the Opening of the 1945 Constitution as a *staatsfundamentalnorm* to torso as *staatsgrundgesetz*.

But in the implementation of public services in Indonesia has not been able to carry out the state gagasan as stated in the 1945 Constitution. According to the Ombudsman of the Republic of Indonesia, the bureaucracy works very slowly. Out of a total of 7,903 community reports entered in 2019, the form of maladministration in the form of protracted delays dominated, namely 33.63 percent, or as many as 1,837 complaints. Examples of slow public services include the management of land permits and certificates.¹

Bureaucratic services are also still colored by the practice of procedural irregularities (28.97%), and the practice of demanding money (4.32%). Community reports also continue to increase. If in 2014 the number of reports 6,667 reports, in 2019 has risen to 7,903 reports.

Table I : Community Report 2014 – 2019 in Ombudsman RI

No	Year	Number of Reports
1	2014	6.667
2	2015	6.857
3	2016	9.078
4	2017	8.886
5	2018	8.413
6	2019	7.903

Processed from the Annual Report of Ombudsman RI

¹Harian Kompas, Wednesday, March 4, 2020, in the Politics & Law section, page. 2.

Still poor public services are also seen in Local Government. Out of a total of 7,903 community reports received by the Ombudsman of the Republic of Indonesia in 2019, the Local Government occupies the position as the most reported agency (41.62%). Then, central government services through government agencies and ministries (11.22%), government agencies serving mass services are also still widely reported. For example, the Police (10.25%), the National Land Agency (9.46%), and state educational institutions (5%).²

The above conditions are caused by weak supervision of public services. Public services, which are constitutional issues, as well as law enforcement and human rights issues, are overseen only by a supervisory body that does not yet have a constitutional support base, and is based only on an organic law. Law No. 37 of 2008 concerning Ombudsman of the Republic of Indonesia that has not obtained constitutional imortnace. Whereas today the public service has faced a variety of issues of value transformation that have a very wide dimensional. These problems include; insistence on renewal due to the development of information technology; insistence on reform due to demands for human rights development; urging changes due to global social problems such as the transmission of pandemic diseases Middle Respiratory Syndrome (MERS – Cov), Severe Acute Respiratory Syndrome (SARS – Cov) and Corona Virus Disiase (Corona Virus Disease) 2019 abbreviated as Covid 19. Sars, Covid-19, as well as the insistence on public service renewal due to the insistence on globalization of the welfare state, and the latter; insistence on public service reform due to the masivenya of corruption, collusion, nepotism (KKN) and maladministration in Indonesia.

The various urges are willing or not, requiring Indonesia as one of the welfare states to strengthen its form of protection in the implementation of public services through the matching of public service supervision institutions in the constitution. Therefore, it is necessary to think importantly of the existence of juridical order and the existence of the most ultim identifying instructions (*ultimate rule recognition*) in the constitution on the institutionalization of public service supervisors in Indonesia.

Based on the description above, the formulation of the issue raised is how the model of protection of constitutional rights of citizens in the implementation of public services according to the 1945 Constitution

II. RESEARCH METHODS

The type of research used is normative legal research, with a statutory approach, a conceptual approach, a comparative approach. The legal materials used are primary, secondary and tertiary legal materials. Legal materials obtained are processed and analyzed normatively prespective.

III. RESULT AND DISCUSSION

Indonesia is a welfare state. We can see ridwan's opinion, H.R.,³ quoting Hamid, S Attamimi and Azhari who said that the

² Ombudsman's Work Report 2019.

³ Hamid S. Attammimi dan Azhari in Ridwan, H.R., *State Administrative Law*, PT Raja Grafindo Persada, Jakarta, 2014, page. 18.

country that wanted to be formed at that time by the Indonesian nation was a welfare state. Further explained that the idea of the welfare state contained in the Preamble to the 1945 Constitution is inseparable from the formulation presented by Soepomo when discussing the draft of the 1945 Constitution. In addition, one of the draft formulations of the 1945 Constitution Muhammad Yamin explained that the country to be formed was solely for all the people, for the benefit of all nations that will stand strong. Muhammad Yamin further explained "The welfare of the people on which the purpose of an independent Indonesian state is in summary public justice for social justice". Indonesia, which has since been established, is determined to establish itself as a country based on the law, as a *rechtsstaat*. Even *rechtstaat* Indonesia is a *rechtsstaat* that "promotes the general welfare, educates the life of the nation, and realizes a social justice for all Indonesians".

Nevertheless, the 1945 Constitution as a constitution has not been positioned to the maximum as the most ultim basic law to create the welfare of the people as the idea of a welfare state embraced by the State of Indonesia. This is because the supervision of public services is still carried out with provisions outside the constitution, namely Law No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia. Inclusion of points and provisions on public services in the constitution is a form of constitutional protection of the constitutional right of citizens in obtaining the implementation of public services held by the state. The exercise of constitutional rights must not only be respected (to respect), and fulfilled, but must also be protected (to protect). Therefore, its supervision for the purpose of protecting should also be regulated in the constitution. Because of this awareness there are currently about 130 countries that have established an ombudsman as a state agency overseeing public services in their constitutional system, and about 56 countries have included ombudsman in the constitution, as in the constitutions of Sweden, Finland, Denmark, Norway, Spain, the Netherlands, Greece, South Africa, the Philippines, and Thailand.

The importance of institutionalizing the supervision of public services into the constitution can be seen from the view of the National Ombudsman Commission (KON) when proposing to the Ad Hoc Committee I of the MPR Workers Agency, to include the existence of the Ombudsman into the 1945 Constitution which is still relevant to be presented today. The reason concerns two things, namely the right of citizens to obtain protection from institutions such as ombudsman, the institution must obtain recognition of the constitution (constitutional recognition) and obtain the basis of the constitution (constitutional basis). As a comparison KON mentions ombudsman institutions originating from Sweden through Finland and Denmark was established to eradicate maladministration and collusion, corruption, nepotism, both among government apparatus (public administration), bureaucracy (bureaucracy), and judiciary (judiciary) so that government officials, bureaucracy and the judiciary (including police, prosecutors, clerks, judges and correctional institutions) always pay attention to the principles of the government, bureaucracy and judiciary (including police, prosecutors, clerks, judges and correctional institutions) always pay attention to the principles of the government good governace, legal supremacy, fairness and manners.

A number of legal experts also assessed the list of public service supervisors such as the Ombudsman in the 1945 Constitution as one form of improvement of the 1945 Constitution. Bagir Manan who explained in an effort to improve the 1945 Constitution still needed various changes, among others: (a) Terms of The President and Vice President; (b) the system of presidential and vice presidential elections (direct elections); (c) The system of liability of the President and Vice President directly elected; (d) Dismissal of The President and Vice President; (e) The composition of the representative body into two rooms; (f) Composition and Authority of the DPA; (g) Composition and Authority of BPK; (h) Composition and Authority of the Judicial Body. In addition it is necessary to consider adding the Ombudsman, the Constitutional Court and the Central Bank.⁴

Jimly Asshiddiqie also explained that the ombudsman has an important role in order to realize the principles of good governance in the framework of public service. The ideals of the 1945 Constitution as the constitution of the welfare state, which by Bung Hatta was translated by the words of the caretaker state is also related to institutions such as the ombudsman that can play an important role in the supervision and distribution of public complaints about the poor quality of public services by government bureaucracy. If this ombudsman is established by law, it is unlikely that it will one day develop an interpretation that it will also be considered a constitutionally important institution.⁵

Saldi Isra explained the latest developments of the Constitutional Commission to include the proposed article on the ombudsman in the text of amendments to the 1945 Constitution that they compiled and have submitted to the MPR. The proposed regulation of the ombudsman in the constitution in the text of amendments to the 1945 Constitution By the Constitutional Commission is included in Article 24G paragraphs (1) and (2) : (1) The Ombudsman of the Republic of Indonesia is an independent ombudsman to supervise the implementation of public services to the public. (2) The composition, position, and authority of the Ombudsman of the Republic of Indonesia shall be governed by law. Perhaps, if the fifth amendment rolls around, the existence of an ombudsman at the constitutional level will materialize.⁶

Adrian. W. Bedner explained strongly agreed the Ombudsman of the Republic of Indonesia is included in the constitution. Because these conditions will form a system of state regulation that is more in accordance with the system that applies in Indonesia, namely the rule of law system. This is important as a form of anticipation of the alleged violations committed by the

executive, or other indications of authoritarian potential. Therefore, in Indonesia it is important to support other institutions in strengthening the institutional idea of public service supervisors included in the constitution.⁷

Therefore it is important to think about the opportunity of inclusion of public service supervisory agencies in the 1945 Constitution if you look at the fundamental changes of the 1945 Constitution since the four changes. One such change was the establishment of a number of new state institutions. In four changes to the 1945 Constitution can be concluded three models of state institutions in the 1945 Constitution that can be used as a reference model for the inclusion of public service supervisory agencies in the 1945 Constitution.

The first model, institutionalization of state institutions as supervisors of public services can be formed by the model of state institutions whose names, functions and authorities are explicitly regulated in the provisions of the 1945 Constitution. Examples of this type of state institutions are the House of Representatives, the Power of Justice, the Supreme Court, and the Audit Board of Finance. With the formation of such models public service supervisory institutions in the constitution in the form of primarily constitutional organs that are aligned with other state high institutions in the 1945 Constitution.

The second model, which can be applied is a form of inclusion of its functions only explicitly in the 1945 Constitution. While the name of the state institution can be mentioned explicitly later in the organic law of the state institution. Such a model can imitate the provisions of Chapter VIIB on Elections in Article 22E paragraph (5) which reads: "Elections are held by an electoral commission that is national, permanent, and independent". This provision has given constitutional important recognition to the existence of the Electoral Commission in the 1945 Constitution as a supporting state institution or second-tier (auxiliary state organs).

The third model, which is formed with the model of state institutions whose names are mentioned explicitly in the 1945 Constitution but its function is further regulated in the organic law governing the institution. This model of state institutions can be seen in the 1945 Constitution such as the Judicial Commission, the Indonesian National Army, and the National Police of the Republic of Indonesia. In the 1945 Constitution both the Yuisial Commission, the Indonesian National Army and the Indonesian National Police were explicitly mentioned. Its functions, duties and authorities are further regulated in the organic law governing the TNI and The National Police. With the inclusion of it positions it as a supporting state institution or second-tier state institution (auxiliary state organs) that have constitutional important. Institutionalization with this model includes a model that is able to maintain the coherence of the constitution as well as a form of implementation of the idea of the welfare state in the container of the state of law (welfare rechtsstaat) and maintain consistency slices with two other forms of protection of state ideas, namely the protection of the idea of a democratic state (democratische rechtsstaat) and the idea of state law (nomocracy, rechtsstaat, the rule of law).

⁴ Bagir Manan and Susi Dwi Harijanti, *Understanding the Constitution, Meaning and Actualization*, PT Raja Grafindo Persada, Jakarta, 2014, page. 53.

⁵ Jimly Asshiddiqie, *Constitution, Dignified and Democratic State Praksis*, Setara press, Malang, 2015, page. 133.

⁶ Saldi Isra, *Papers in Panel Discussions "The New Face of the Ombudsman of the Republic of Indonesia: Finding the Ideal Ombudsman Candidate"*, 5th March 2009. <https://www.saldiisra.web.id/index.php/21-makalah/makalah1/304-ombudsman-dalam-bingkai-ketatanegaraan-ri-sejarah-pembentukan-dan-tantangan-kedepan.html>. Diunduh Senin 4 Januari 2021, Pukul 11.45 WITA.

⁷ interview Adrian. W. Bedner, Professor of Law, Leiden Universiteit, via zoom meeting, Thursday, January 14, 2021, at : 18.55 WITA.

The model of regulation of public service supervisory agencies can also be done by comparing it with the constitutional form of a number of countries. There are countries that have listed their public service supervisory agencies since its inception (Sweden, Denmark, Finland). Some only then include it in the constitution after seeing the importance of public service supervisory agencies based on the experience of other countries (Netherlands), and some also form and directly list public service supervisory agencies such as ombudsmen in their constitutions for reasons of trauma to the experience of their country's political transition (Thailand and the Philippines).

To protect the constitutional rights of citizens, the Philippines even showed the existence of "Constitutional Commissions" arrangements in their Constitution. In the other chapters are stipulated provisions on the Commission on Human Right (Art. XIII, secs 17 – 19), the Office of the Ombudsman (Art. XI, secs 5 – 14), the Commission on Appointments in Congress (Art. VI, secs 17 – 19).⁸

The Thai model of constitutional making directly lists the Thai Ombudsman in their constitution, the 1997 Constitution. The country has experience of democratic transition. Thailand's Constitution mandates the establishment of a number of independent state commissions, such as The Election Commission, The National Counter Corruption Commission, the National Human Right Commission, the Ombudsman, in which each of its duties and authorities are mentioned, as well as how the recruitment mechanisms of members of these commissions.⁹

In Indonesia as explained earlier, Ombudsman RI is only regulated in Law No. 37 of 2008 concerning Ombudsman RI. In addition to not having constitutional important or constitutional recognition, ombudsman RI also does not have adequate political support. Ombudsman RI also can not be mentioned as auxiliary state organs purely because both the name and authority are not regulated in the 1945 Constitution. Its designation as a state institution is only stipulated in Article 1 paragraph (1) of Law No. 37 of 2008 concerning Ombudsman RI.

Weak political support for the Ombudsman of the Republic of Indonesia is also seen from the apbn's support for the Ombudsman RI.

Table 2 : Comparison of Institutional Budgets in state budgets¹⁰

	Komnas						DEWAN
	HAM	KPU	KPK	KY	ORI	KPI	PERS
2011*	57.200	980.870.	575.595.	79.700.	16.312.	27.900.	17.760.
2012*	64.349	1.635.211.	663.030.	85.365.	67.630.	27.900.	18.260.

* In Billion Rupiah.

From the table above can be seen how the lack of operational budget support Ombudsman RI in carrying out its duties. Whereas the Ombudsman RI has the task of overseeing the implementation of the ideals of the 1945 Constitution, namely good public services. The condition of the lack of support to the Ombudsman RI until now has also not been happy. In 2019, the operational budget of Ombudsman RI was only Rp 161,415,619,730. This budget drops to only around Rp 137,000,000,000 by 2020. In fact, the ideal budget ceiling

⁸ Bagir Manan and Susi Dwi Harijanti, op.cit, page. 243.

⁹ Zaenal Arifin Mochtar, Independent State Institutions, Dynamics of Development and Urgency of Reorganization After Constitutional Amendment, Rajawali Pers, Depok, 2019, page. 49.

¹⁰ Zaenal Arifin Mochtar, op.cit, page. 152.

required a minimum of Rp 1 Trillion to finance the operation of the head office in Jakarta and 34 representative offices and 835 employees at various levels. This makes the operational activities of Ombudsman RI in managing 7,903 community reports related to maladministration throughout Indonesia in 2019 difficult.¹¹

As a country with experience of democratic transition that requires institutional support in correcting the adverse effects of authoritarian practices of the New Order government that impact the practice of collusion, corruption and nepotism masiv, Indonesia needs supervisory agencies and protection against the implementation of public services. Therefore, it can imitate the experiences of constitutional making as Thailand and the Philippines do. In addition, as a country that has a legal history that bears similarities to the Netherlands, Indonesia can also emulate the Dutch experience in amending the constitution by including the ombudsman in their constitution.

The need to strengthen public service supervisory agencies to gain constitutional recognition is also due to the increasingly strong insistence (force) on public service reform. These urges are also exacerbated by the insistence on, among others, changes and the development of theories related to bureaucracy and governance. This is influenced by the development of information technology that is quite felt by the government. Such insistences such as disruption issues, and artificial intelligence problems that are willing or unwilling should be anticipated by the bureaucracy and government.

Another insistence on the renewal of public services and human rights continues to develop from the first generation of human rights to the last generation of human rights that also affect governance in Indonesia. The issue of public services is inseparable from the issue of human rights fulfillment. Respect and attention to human rights development must be linear with the stronger institutions mandated to supervise human rights. It is therefore felt that it is important that the existence of a supervising agency that can properly supervise and properly supervise human rights based on the rights to supervise are universally recognized. The recognition was issued in the UN Resolution on Ombudsman agencies, adopted by the UN General Assembly on 16 December 2020. The UN resolution is a strong endorsement of the key principles of the Ombudsman agency, including independence, objectivity, transparency, fairness and impartiality. This is an important further step in securing worldwide recognition of the Work of Ombudsman agencies in promoting good administration, human rights, good governance and the rule of law.¹²

Another insistence on the importance of public service renewal is the latest development of health issues, namely pandemics of a number of types of diseases that are categorized as new pandemics. For example, middle respiratory syndrome (MERS – Cov), Severe Acute Respiratory Syndrome (SARS –

¹¹ Interview of Vice Chairman of Ombudsman RI, Lely Pelitasari Soebekty, and Secretary General Ombudsman RI, Suganda Pandapotan Pasaribu, Tuesday, 5 January 2021.

¹² Letter of the President of the International Ombudsman Institute (IOI), Peter Tyndall on the United Nations Resolution on the ratification of the key principles of ombudsman agencies, independence, objectivity, transparency, fairness and impartiality of Ombudsman agencies, adopted by the Unification General Assembly. This letter has been sent to all Ombudsman around the world, including to ombudsman RI.

Cov) and Corona Virus Disiase (Corona Virus Disease) 2019 pandemic abbreviated as Covid 19. The development of a number of viruses one side demands the government improve its ability to serve the needs of services, and on the other hand become a new reference citizen in demanding his right to safety and protection of the government in public services in the scope of health services.

The renewal of public services due to paradigms or new theories about public services even became a reference for a number of countries in managing their government. Theories about public service include the theory of reinventing government, Old Public Administration, New Public Administration, Old Public Management, New Public Management, Old Public Service to New Public Service. The concept of reinventing government has emerged as a criticism of the performance of the government so far and in anticipation of various changes that will always occur in the organization. The reinventing government strategy trusted by many modern countries today can be the basis for a new model of future government (bureaucracy). According to Antonius Sujata¹³, in the last 20 years, public sector organizations around the world, including developing countries, have made remarkable changes in order to reduce the cost of the country's materials to be as cost-effective as possible. The phenomenon was triggered by the astonishing neo-liberal plan that wanted to expand market power from government domain to public domain. In other words, the current "new public administration" or "new managerial" is entering various countries, both large and small, which are well established and are developing.

Another insistence that is no less strong related to the renewal of public services is to meet the demands of public services that are required quickly, bureaucracy is required to be adaptive to the development of information technology (IT). For example, using a computer with an IT base. This is apparently not an easy thing for the bureaucracy in Indonesia. For example, in the implementation of Government Regulation No. 24 of 2018 concerning ElectronicAlly Integrated Business Licensing Services. This regulation as the legal basis for the implementation of Online Single Submission (OSS) in the licensing of business and investment in Indonesia. The implementation of oss is difficult to develop until now because of three things; 1). List of service products between the central government and local government that are not equal or not uniform; 2). Slow adjustment of Standard Operating Procedures; 3). Technology Information System that has not been integrated.¹⁴

Therefore, the institutional legal basis of a state institution that works to oversee constitutional issues and the ideals of the 1945 Constitution, namely public services based only on an organic law is quite vulnerable. The experience of weakening the Corruption Eradication Commission (KPK) through the weakening of authority after supervising the organic law governing the KPK is a bad experience of state institutions that

are not included in the constitution. Indonesia Corruption Watch (ICW) noted that there has been a weakening of the KPK after the revision of the organic law governing kpk. ICW research mentions that the election results of kpk leaders, revision of the KPK Law, as well as RKUHP plans in the House of Representatives are tangible manifestations of the weakening of corruption eradication actions and KPK institutions in Indonesia.¹⁵

The absence of state institutions given the mandate of overseeing and protecting the constitutional rights of citizens in the implementation of public services into the 1945 Constitution causes no coherence of the form of protection and guarantee of the great idea of the constitution between the administration of the state as a state of law (nomocracy, rechtsstaat, the rule of law), with the idea of a democratic state (democratische rechtsstaat) and as a welfare state with the basis of the state law (welfare rechtsstaat) in Indonesia. Therefore, it is important to immediately reform the constitution in Indonesia that guarantees the constitutional rights of citizens in the implementation of public services under the 1945 Constitution.

IV. CONCLUSION

The model of protection against the implementation of public services based only on the form of supervision through Law No. 37 of 2008 concerning Ombudsman RI is not appropriate in the state system that runs the mechanism of check and balances and adheres to the welfare system (*welfarestaat*). Because the model of supervision of matters protected by the constitution is more precisely stipulated in the constitution. Forms of protection in the implementation of *welfarestaat* ideas in Indonesia have not received supervisory support that has a strong coherence with the mind of welfare *rechtsstaat*, mind *nomokrasi* (*rechtsstaat* and rule of the law) and the implementation of democratic mindche *rechtsstaat*.

V. SUGGESTION.

It is necessary to institutionalize the public service supervision agency (Ombudsman of the Republic of Indonesia) into the 1945 Constitution to ensure juridical order and realize the implementation of three coherent constitutional ideals in the implementation of public services, namely the mind of welfare *rechtsstaat*, mind *nomocracy* (*rechtsstaat*, rule of the law), and democratic mindche *rechtsstaat*. Institutionalization of public service supervision in the 1945 Constitution can be done with three models such as the experience of a number of countries, namely by: (1) the model of state institutions whose names and functions and authorities are listed explicitly in the provisions of the 1945 Constitution; (2) the model only lists the functions of state institutions without listing the name of the institution explicitly in the provisions of the 1945 Constitution; (3) the model of inclusion of the name of the institution is explicitly in the provisions of the 1945 Constitution but the functions and authorities are regulated in the organic Law. With this model will

¹³ Antonius Sujata and R.M Surahman, Record eleven Years of Ombudsman's Journey of the Republic of Indonesia, IDCC, 2011, page. 82.

¹⁴ Read the Executive Summary of 2019 Compliance Assessment Results, Ombudsman of the Republic of Indonesia 2019.

¹⁵ Indonesia Corruption Watch's statement on research on KPK weakening, <https://www.gatra.com/detail/news/444469/politik/terkait-pelemahan-kpk-icw-imbau-masyarakat-untuk-bersinergi>. Downloaded, Sunday, February 14, 2021, at 20:34 WITA.

strengthen the protection of the constitutional rights of citizens in the implementation of public services and provide guidance on the most ultimatum rule recognition (ultimatum rule recognition) to the supervisory body of public service.

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