

A Legal Analysis of Maladministration in Public Services

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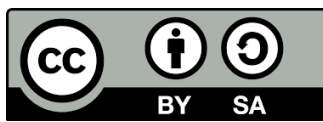
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ABSTRACT

The provision of public services is a constitutional obligation of Indonesia as a state governed by the rule of law and a key indicator of good governance. Nevertheless, maladministration remains prevalent in public service delivery, manifesting in undue delays, abuse of authority, procedural irregularities, discrimination, neglect of legal obligations, and unlawful fees. Previous studies have primarily focused on service quality, public satisfaction, and bureaucratic effectiveness, while legal analyses from the perspective of State Administrative Law remain limited. This study aimed to examine forms of maladministration in public services that violate the principles of State Administrative Law and the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik, AUPB), as well as the mechanisms for addressing and overseeing such practices through the Ombudsman of the Republic of Indonesia. The study employed a normative legal research method incorporating statutory, conceptual, and case approaches, drawing on primary, secondary, and tertiary legal materials, particularly Law No. 25 of 2009 concerning Public Services, Law No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, and Law No. 30 of 2014 concerning Government Administration. The findings indicated that maladministration reflected deficiencies in the implementation of the principles of legal certainty, justice, accountability, and professionalism, adversely affecting public service users and undermining public trust. Although mechanisms for addressing maladministration had an established legal basis through complaints to the Ombudsman and administrative remedies, their effectiveness was constrained by limited public legal awareness, inadequate implementation of Ombudsman recommendations, and inconsistent adherence to good governance principles. The study concluded that improving the competence of public officials, strengthening oversight mechanisms, and consistently implementing good governance principles were essential to ensuring high-quality, transparent, accountable, and citizen-centered public services.



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INTRODUCTION

The government is responsible for providing public services to meet the needs of citizens and residents through the provision of public goods, services, and administrative services in accordance with applicable laws and regulations. The delivery of high-quality public services is a fundamental indicator of good governance. This responsibility is closely related to Article 1, paragraph (3), of the 1945 Constitution of the Republic of Indonesia, which establishes Indonesia as a state governed by the rule of law. Accordingly, the administration of public services must adhere to the principles of legality, accountability, legal certainty, and protection of citizens' rights (Anderson, n.d.; Dwiyanto, 2020; Gittell, 2002; Masturi, 2005; Tampubolon, 2023a).

Despite the existence of a comprehensive legal framework, various forms of maladministration continue to occur in public service delivery. Article 1, point 3, of Law No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia defines maladministration as unlawful conduct, exceeding or misusing authority, or neglecting legal obligations in the administration of public services, resulting in material or immaterial losses to individuals or the public. In practice, maladministration may manifest as undue delays, procedural irregularities, abuse of authority, discrimination, conflicts of interest, and unlawful fees. Such practices undermine the rule of law and compromise the rights of public service users (Bank, 2026; Development, 2025a; Indonesia, 2024, 2025).

The government's responsibilities extend beyond formulating and implementing laws and regulations to ensuring that public institutions deliver services that meet established standards. According to Anderson, public policy consists of purposive actions undertaken by government authorities to address identified public problems (Gunawan, 2025). Public service delivery represents a direct interaction between government institutions and citizens, making it an important measure of governmental performance and accountability. Consequently, the quality of public services serves as a key indicator through which citizens evaluate the effectiveness and legitimacy of public administration.

Indonesia's legal framework provides a foundation for public service administration through Law No. 25 of 2009 concerning Public Services. This legislation establishes fundamental principles governing public service delivery, including the rights and obligations of service providers and recipients, service standards, complaint-handling procedures, and supervisory mechanisms. It also emphasizes transparency, accountability, equality, and legal certainty in public administration. These provisions reflect the state's responsibility to ensure that public services are accessible, responsive, and oriented toward the needs and interests of the community.

Law No. 25 of 2009 concerning Public Services comprehensively regulates public service administration, while Law No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia establishes an independent institution responsible for overseeing public service delivery. Nevertheless, maladministration remains a persistent challenge across various sectors. Complaints concerning undue delays, procedural violations, abuse of authority, discriminatory treatment, and neglect of legal obligations indicate continuing weaknesses in administrative accountability and compliance with established service standards.

Previous studies have primarily examined public service quality, citizen satisfaction, bureaucratic reform, and the role of the Ombudsman in receiving and addressing public complaints. However, research specifically examining maladministration from the perspective of State Administrative Law remains relatively limited. Maladministration constitutes a significant administrative law issue because it involves the exercise of governmental authority, compliance with the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik*, AUPB), and legal protection for individuals receiving public services.

Furthermore, questions remain regarding the effectiveness of existing mechanisms for addressing maladministration and providing adequate legal protection to public service users. This situation highlights the need for a comprehensive legal examination of maladministration based on Law No. 25 of 2009 concerning Public Services and other relevant regulations. Such an examination is necessary to identify regulatory and institutional weaknesses, formulate normative recommendations, and strengthen administrative oversight. Accordingly, this study sought to address the existing research gap by examining maladministration in public service delivery through the framework of State Administrative Law.

The analysis focused on the forms of maladministration regulated under Law No. 25 of 2009 concerning Public Services, the legal mechanisms available for addressing administrative violations, and the supervisory role of the Ombudsman of the Republic of Indonesia in promoting accountable, transparent, and high-quality public services.

Irmandani (2018, p. 4) explained the etymological origins of maladministration by associating the term with the Latin word *administrare*, meaning "to administer" or "to manage," and the prefix *mal-*, indicating something improper or deficient. Accordingly, maladministration generally refers to improper, unlawful, or deficient administrative conduct in the provision of public services (Harahap, 2013).

Maladministration may include discriminatory treatment, deviations from established procedures, unlawful fees, and other improper actions committed by public service officials. These practices not only harm individuals and communities but also contradict fundamental principles of good governance, including accountability, transparency, effectiveness, impartiality, and legal certainty (Development, 2023, 2024b, 2024a; Muabezi, 2017a; Tampubolon, 2023b).

According to Budhi Masturi, in *Getting to Know the Indonesian Ombudsman*, the Ombudsman is an independent oversight institution responsible for examining and following up on public complaints concerning suspected maladministration by government officials and public service institutions (Muabezi, 2017b). Its institutional independence is essential to ensuring impartial oversight and protecting the public against the misuse of administrative authority.

A review of previous studies indicated that research on public services has predominantly concentrated on service quality, citizen satisfaction, and bureaucratic effectiveness. Several studies have also investigated the contribution of the Ombudsman of the Republic of Indonesia to receiving, examining, and following up on complaints concerning maladministration. However, relatively few studies have comprehensively examined maladministration within the legal framework of State Administrative Law.

Moreover, existing literature has provided limited discussion of the relationship between specific forms of maladministration and the legal mechanisms available for their resolution under State Administrative Law. The relationship between the Ombudsman's supervisory functions, the implementation of the General Principles of Good Governance (AUPB), and broader efforts to strengthen administrative accountability also requires further examination. Addressing these issues is important for understanding how legal norms and institutional oversight mechanisms can contribute to preventing maladministration and improving public service delivery.

The novelty of this study lies in its integrated legal examination of maladministration as both a public service problem and a violation of administrative law principles. Rather than focusing exclusively on service quality or institutional performance, the study examined the relationship between maladministration, the regulatory provisions of Law No. 25 of 2009 concerning Public Services, Law No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, and the principles of State Administrative Law. This approach was expected to contribute to the development of administrative law scholarship and provide normative recommendations for strengthening oversight mechanisms, improving administrative accountability, and enhancing public service quality in Indonesia (Affairs, 2024; Development, 2024c, 2025b; International, 2026; Kaufmann & Kraay, 2024).

Problem Formulation

This study addressed two research questions: (1) What forms of maladministration in public service delivery violate the principles of State Administrative Law and the General Principles of Good Governance (AUPB)? (2) What legal mechanisms are available for resolving and overseeing maladministration through the Ombudsman of the Republic of Indonesia to promote high-quality public services?

Research Objectives

This study aimed to identify and analyze forms of maladministration in public service delivery under Law No. 25 of 2009 concerning Public Services, examine the legal mechanisms for addressing maladministration within the framework of State Administrative Law, and evaluate the supervisory role of the Ombudsman of the Republic of Indonesia in preventing administrative violations and promoting accountable, transparent, and effective public services.

METHOD

This study employed a normative juridical (doctrinal legal) research method to examine maladministration in public service delivery based on statutory provisions, legal principles, and relevant legal scholarship. The analysis focused on legal materials rather than empirical field data.

The study adopted statutory and conceptual approaches. The statutory approach involved examining the 1945 Constitution of the Republic of Indonesia, Law No. 25 of 2009 concerning Public Services, Law No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, and Law No. 30 of 2014 concerning Government Administration. The conceptual approach was used to analyze relevant legal principles and concepts, particularly maladministration, administrative accountability, and the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik, AUPB). A case-based approach was also considered where relevant legal cases were available to support the analysis.

Primary Legal Material

Primary legal materials are the main source in legal research that has a binding nature and is the most important basis for conducting analysis. This material contains applicable legal provisions and is used by the author as the main reference in looking at and assessing a legal

problem. In this study, primary legal materials include various rules related to the implementation of public services, government administration, and supervision of public service performance. All of these provisions are the normative basis used to assess whether public service practices are in accordance with applicable rules or there are still irregularities in the form of maladministration of the Constitution of the Republic of Indonesia in 1945

- the 2009 State Constitution concerning public services;
- Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia;
- Law Number 30 of 2014 concerning Government Administration;
- Laws and regulations related to public services and maladministration;

These primary legal materials are the main basis for analyzing the various hukum issues discussed in this study.

Secondary Legal Materials

Secondary legal materials are materials that are not legally binding, but are very helpful in providing a deeper explanation and understanding of primary legal materials. The researcher uses this instrument to observe the way legal experts describe, interpret, and evaluate a regulation. This study collects secondary legal sources from a variety of literature, ranging from legal textbooks, scientific journals, academic articles, to relevant previous research findings. The views of jurists also make a crucial contribution in sharpening the analysis so that the review goes beyond normative boundaries and achieves contextual depth. Textbooks on state administrative law.

Books on public services and good governance;

National and international law journals;

The results of previous research;

Scientific articles;

Opinions of scholars and legal experts. Secondary legal materials

This Legal Material makes it easier for writers to strengthen the analysis and provide a theoretical basis in answering the formulation of research problems.

Tertiary Law Resources

Tertiary legal materials are supporting materials that are used to help clarify legal terms and concepts used in research. This material serves to facilitate readers and researchers to understand legal terminology accurately. Its presence effectively prevents distortions of interpretation in examining each legal substance. This research uses tertiary legal materials which include legal dictionaries, legal encyclopedias, and the Great Dictionary of Indonesian Language (KBBI). The researcher also includes various other authoritative references to clarify legal terms and concepts that appear in the discussion narrative.

the Great Dictionary of the Indonesian Language (KBBI);

Legal Dictionary;

Encyclopedia of Law

Index of laws and regulations;

Other relevant reference sources.

RESULTS AND DISCUSSION

Definition of Public Service

State administrators or authorized institutions carry out various activities to meet the needs of the community for goods, services, and administrative affairs based on applicable regulations. The government makes this service a fundamental function to ensure the fulfillment of the rights of every citizen in real terms. The quality of these services is also the main measure in assessing the success rate of governance. Article 1 number 1 of Law Number 25 of 2009 concerning Public Services formulates this concept as a series of service fulfillment activities for citizens and residents related to goods, services, and administration in accordance with the law. This meaning emphasizes that public services are not limited to bureaucratic affairs such as population documents or permits only. This sector also includes the provision of various service facilities and goods that are essential needs of the community.

In relation to the title of the research "Juridical Analysis of Maladministration Practices in Public Services about Public Services", public services are the main topic analyzed because maladministration practices generally often occur in the process of providing these services. Public services that are not carried out in accordance with service standards and principles of good governance have the potential to cause maladministration that is detrimental to the community.

Legal Basis of Public Service

The legal basis for the implementation of public services in Indonesia has a very solid footing. The Constitution positions public services as a manifestation of state goals in the fourth paragraph of the Preamble to the Constitution of the Republic of Indonesia in 1945. This includes efforts to protect all people and improve the level of public welfare. Article 28D paragraph (1) of the 1945 Constitution also emphasizes the right of every individual to obtain guarantees, recognition, and fair legal protection in accessing state services.

Law Number 25 of 2009 concerning Public Services is the main regulation that regulates the field specifically. This provision describes various fundamental elements, including service principles, rights and obligations of citizens, and the responsibilities of the organizers. The regulation also establishes quality standards, supervision mechanisms, and complaint procedures for the public. The implementation of this law aims to ensure legal certainty and spur improvement in the quality of services for the public.

In addition to Law Number 25 of 2009, there are a number of other supporting regulations related to the public service sector, including

1. Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia, which regulates the function of the Ombudsman in supervising the implementation of public services and receiving and following up on public reports regarding maladministration.
2. Law Number 30 of 2014 concerning Government Administration, which regulates the use of authority by government officials and the prohibition of abuse of authority in the administration of government.
3. Government Regulation Number 96 of 2012 concerning the Implementation of Law Number 25 of 2009 concerning Public Services, which further regulates the implementation of public services, service standards, and community participation.

This legal basis is the main reference in analyzing the existence or absence of maladministration practices in public services.

Definition of Maladministration

Maladministration includes actions or behaviors that violate the rule of law, abuse of power, and neglect of obligations in public services that harm the public. The form of maladministration is not limited to criminal offenses alone. This phenomenon also includes practices that deviate from the principles of good governance and applicable service standards. Article 1 number 3 of Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia defines maladministration as an act against the law, exceeding the limits of authority, or deviating from the purpose of the position by state administrators that harm the community materially and immaterially. This definition proves that the dimensions of maladministration are broad. The scope includes planned actions to elements of dereliction of duty by public service officials. This study positions maladministration as the main object of research because the practice hinders the achievement of quality and fair public service standards for citizens

The Scope of Maladministration in Public Service

The scope of maladministration in public services includes various actions or behaviors of service providers that are contrary to the law, service standards, and general principles of good governance. Variations of maladministration that often arise include delays in service duration, exploitation of authority, and violations of formal procedures. This phenomenon also includes neglect of service obligations, discriminatory actions, illegal requests for rewards, and the emergence of conflicts of interest.

Service providers carry out protracted delays if they fail to complete work according to the deadline without a strong justification. Officials abuse their authority when they direct their power of attorney for personal or group gain. Meanwhile, the apparatus commits procedural irregularities if the provision of services ignores the applicable mechanisms and technical regulations. Discriminatory practices in the public sector are a form of maladministration because they harm the principle of equal rights for all people. Illegal collection activities without a legal basis also significantly erode the level of public trust in the government's performance.

This study places the scope of maladministration as the main focus of analysis to measure the level of bureaucratic compliance with Law Number 25 of 2009 concerning Public Services. The analysis also evaluates the application of the principles of state administrative law in the implementation of the obligations of service providers.

The Relationship between Good Public Governance and Maladministration Prevention

The concept of *good governance* is a principle that emphasizes the implementation of government in a transparent, accountable, effective, efficient, participatory manner, and upholding the rule of law. In the context of public services, the application of the principle of *good governance* is one of the main efforts to prevent maladministration.

Public services that are carried out based on the principle of transparency will make it easier for the public to obtain information about procedures, costs, and service completion times so as to reduce the chance of irregularities. Transparency itself is something that refers to the openness and availability of relevant information about policies, procedures, and decisions taken by the government, which can be accessed by the general public. In this case, transparency is something that needs to be applied in public services to minimize the occurrence of maladministration in public services, as well as make it easier for the public to know the decisions made by the government, so that the public can participate in evaluating the policies set by the government regarding the suitability produced. This form of transparency itself covers various aspects of government, such as the management of the state budget, development programs, legislative decisions, and the development of public resources.

In addition, the principle of accountability requires every service provider to be accountable for every action and decision taken, so as to prevent abuse of authority. The principle of the rule of law also has an important role in the prevention of maladministration because every action of a service provider must be based on the applicable laws and regulations. Thus, actions that exceed authority or deviate from procedures can be minimized. The relationship between good governance and the prevention of maladministration is very close because the better the application of good governance principles, the less likely it is to occur maladministration in public services. On the other hand, the weak application of these principles will open up opportunities for various forms of maladministration that ultimately harm the community.

Based on the title of the research "Juridical Analysis of Maladministration Practices in Public Services Based on Law Number 25 of 2009 concerning Public Services", the concept of good governance is a normative basis in assessing whether the implementation of public services has been carried out in accordance with the principles of good governance and whether efforts to prevent maladministration have been carried out effectively. Therefore, an analysis of the relationship between good governance and maladministration is very important to find out the extent to which the law has functioned in realizing quality, fair, and community-oriented public services.

CONCLUSION

Maladministration remains a persistent challenge in public service delivery, particularly in Indonesia. Its manifestations include unjustified service delays, abuse of authority, deviations from established procedures, discriminatory treatment, and the imposition of unlawful fees. The persistence of these practices indicates that public service administration has not fully complied with the principles of legal certainty, justice, accountability, and professionalism, as mandated by Law No. 25 of 2009 concerning Public Services. Such practices not only adversely affect individuals and communities receiving public services but also undermine public trust in government institutions and officials.

This study also demonstrated that mechanisms for addressing maladministration have an established legal foundation within Indonesia's administrative law framework, particularly through the supervisory functions of the Ombudsman of the Republic of Indonesia. Members of the public may seek remedies by submitting complaints to the Ombudsman or pursuing administrative remedies in accordance with applicable laws and regulations. However, the effectiveness of these mechanisms remains constrained by several challenges, including limited public legal awareness, inadequate implementation of Ombudsman recommendations, and inconsistent application of good governance principles. These shortcomings contribute to the continued occurrence of maladministration in public service delivery. Therefore, enhancing the competence and professionalism of public officials, strengthening administrative oversight mechanisms, improving compliance with Ombudsman recommendations, and consistently implementing the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik, AUPB*) are essential measures for promoting high-quality, transparent, accountable, and citizen-centered public services.

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