

Achievements and Challenges of Human Rights Protection Policy in Realizing Good Governance in Indonesia and China



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ABSTRACT

The protection of human rights in public service institutions faces challenges in its effectiveness to achieve maximum protection. This is because there are many units and ranks of the bureaucracy that need to be given oversight and protection. A regional head cannot be given the entire burden of supervising the protection of human rights. This study aims to explore the policies of the Ombudsman Institute in Yogyakarta, Indonesia regarding the Protection of Human Rights, their relation to the achievements and challenges so as to realize good governance. The research is compared with the policies to protect human rights in Beijing, China. This quantitative research analyzes the legal gap from the problem of protecting human rights in work units with the principles of good general governance and the supervisory model in the institution. Finally, this research finds the effectiveness and success of the role of the Ombudsman Institute in Indonesia in protecting human rights in maintaining good governance. To address the problem of protecting human rights, the pattern of oversight by the Indonesian Ombudsman Institute uses an ideal pattern, namely extra-parliamentary synergy, parliamentary oversight, a social audit system and the use of technological facilities so that good governance is realized. Meanwhile, China still gets notes from the international world for human rights violations. Even so, reform of the Ombudsman bureaucracy in China is expected to resolve existing human rights protection issues.



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1. Introduction

Since the Universal Declaration of Human Rights (UDHR) in 1948 globally, human rights have faced challenges and evolved to achieve their goals. In its 2014 Human Rights Risk Atlas (HRRRA), global analytics firm Maplecroft revealed the number of countries at "extreme risk" of human rights abuses. When evaluating 197 countries for various human rights violations, Maplecroft classified 20 countries at risk of extreme human rights violations in 2008. The number has since increased to 34 countries. Indonesia is ranked 30th in countries with the worst human rights conditions. Many things may cause this condition. Some are due to war, corrupt

government, and lousy bureaucracy that affect law enforcement and human rights protection.¹

According to a U.S. report Embassy and Consulates in Indonesia: 2021 Country Reports on Human Rights Practices: Indonesia, stated that there are still many human rights violations that occur. Covering several cases: Unlawful or arbitrary killings by government security; police torture of unlawful civilians; inappropriate prison conditions;² arbitrary arrest or elimination; political prisoners; problematic judicial independence; arbitrary interference and prohibition of privacy laws; conflicts in the provinces of Papua and West Papua which are handled arbitrarily,³ serious penalties against freedom of expression and media up to the unlawful arrests/crimes against journals, religious leaders and activists,⁴ threats to the freedom of peaceful assembly and freedom of association; worsening government corruption; violations of investigation and accountability for gender based violence; crimes against racial and ethnic minority groups.⁵

In fact, human rights violations occur every day and most of them are perpetrated by groups with higher status who target lower status groups so that they are more affected by dehumanization than high status groups.⁶ It is caused by low-status groups who do not own more than unequal resources, trade sanctions, aid allocations, conflicts, political violence, and repression. It should also be noted that the protection of human rights in a country can affect the level of poverty and living conditions in that country. Violations of human rights can exacerbate poverty and the living conditions of poorer segments of society, which can hinder

¹ Satria Unggul Wicaksana and others, 'Reduce Corruption in Public Procurement: The Effort Towards Good Governance', *Bestuur*, 10.1 (2022), 33–42 <https://doi.org/10.20961/bestuur.v10i1.51339>

² Ejo Imandeka and Zulfikri, 'Preventing Coronavirus in Overcrowded Prisons in Indonesia', 2021 <https://doi.org/10.2991/assehr.k.210506.022> Also see Aristo Marisi Adiputra Pangaribuan and Kelly Manthovani, 'Causes and Consequences of The War on Marijuana In Indonesia ', *Indonesia Law Review*, 9.2 (2019), 22–43 <https://doi.org/10.15742/ilrevv.vo8n1.3e891>

³ William R.I. Sopaheluwakan and others, 'Two-Decade Decentralization and Recognition of Customary Forest Rights: Cases from Special Autonomy Policy in West Papua, Indonesia', *Forest Policy and Economics*, 151 (2023), 102951 <https://doi.org/10.1016/j.forpol.2023.102951> Also see Alvin Kuowei Tay and others, 'Pathways from Conflict-Related Trauma and Ongoing Adversity to Posttraumatic Stress Disorder Symptoms amongst West Papuan Refugees: The Mediating Role of Anxiety and Panic-like Symptoms', *Comprehensive Psychiatry*, 63 (2015), 36–45 <https://doi.org/10.1016/j.comppsy.2015.08.005>

⁴ Ija Suntana and others, 'Ideological Distrust: Re-Understanding the Debate on State Ideology, Normalization of State-Religion Relationship, and Legal System in Indonesia', *Heliyon*, 9.3 (2023), e14676 <https://doi.org/10.1016/j.heliyon.2023.e14676>

⁵ Djarot Sulistio Wisnubroto and others, 'Preventing and Countering Insider Threats and Radicalism in an Indonesian Research Reactor: Development of a Human Reliability Program (HRP)', *Heliyon*, 9.5 (2023), e15685 <https://doi.org/10.1016/j.heliyon.2023.e15685>

⁶ Anna Zlobina and others, 'Back to Basics: Human Rights Violations and Dehumanization', *Current Opinion in Behavioral Sciences*, 51 (2023), 101263 <https://doi.org/10.1016/j.cobeha.2023.101263>

growth and development.⁷ Thus, International and national legal instruments have mandated the need to protect human rights. As part of international law, the state is responsible for solving human rights problems for its citizens. The government of many states has its way of realizing proper human protection. Some countries provided some human rights commissions and institutions.

Indonesia started with democratization and decentralization reforms in governance and development, with the enactment of Law No. 22 of 1999 on Reform, which has now been revised into Law No. 32 of 2004, which was replaced by Law No. 23 of 2014 concerning Local Government jo. Law No. 6 of 2023 concerning Job Creation. Through the law, the government is expected to be able to change the paradigm shift from a centralized government system to a decentralized one. It is based on the desire of the people to realize good governance, which according to the United Nations Development Programme (UNDP), has the following characteristics: participatory, law enforcement, transparency, responsiveness, equitable, consensus-oriented, effective and efficient, strategic, and accountable vision. Those characteristics have already been adopted by Law No. 23 of 2014 and Law No. 37 of 2008 concerning the Ombudsman and many other national legal instruments, with its differences commonly referred to as the general principle of good governance.

Moreover, good governance can be interpreted as good government management, but realize it is not as easy as reversing the palms. The obstacles faced are complex, a reasonable sum of theories that aim to improve the bureaucracy of governments are generated by experts who see that there is something that must be addressed in the management of bureaucracy following what is wanted by the community, but until now, there are still many problems in the management of bureaucracy. To ensure that the Indonesian government can run following the paths outlined in realizing good governance to establish government regulatory agencies. These monitoring institutions are expected to help solve the many problems surrounding our bureaucracy. Good governance can also be understood as an implementation of solid and responsible government management in line with democratic and market principles, efficient government, and free and clean government from Corruption, Collusion, and activities of Nepotism.⁸

Whereas, general principles of good governance, since the adoption of the conception of the welfare state and lead to the power of *freies ermessen*, raise a

⁷ Nicholas Apergis and Arusha Cooray, 'How Do Human Rights Violations Affect Poverty and Income Distribution?', *International Economics*, 161 (2020), 56–65 <https://doi.org/10.1016/j.inteco.2019.11.003>

⁸ Alvedi Sabani, Mohamed H. Farah, and Dian Retno Sari Dewi, 'Indonesia in the Spotlight: Combating Corruption through ICT Enabled Governance', *Procedia Computer Science*, 161 (2019), 324–32 <https://doi.org/10.1016/j.procs.2019.11.130>

concern of citizens over the occurrence of arbitrariness by the government. General principles of good governance for governmental apartments in carrying out their duties and functions or as a basis for administrative justice judges to assess the actions or actions of the government which the people sue.⁹ In Indonesia, the general principles of good governance consist of several principles that must be implemented in every public service: legal certainty, public interest, expediency, openness (transparency/ accountability), impartiality/ non-discrimination, accuracy, not abusing authority, good service (See Law No. 30 of 2014 concerning Government Administration).

Accountability is one of the characteristics of good governance that has a strong impact and gets attention from the public. Accountability can be defined as a principle that ensures that every organization's activity is open to be known by the parties affected by the policy implementation. The public, as the party involved in the policy made by the government, is undoubtedly entitled to a reasonable explanation of accountability for the government's performance.¹⁰ Accountability of government policy implementation should be disseminated to the public. The government should understand this wants to be called an institution that implements the principle of accountability. Thus, supervisory institutions must be carried out to protect the human rights of all parties in public services.

Supervisory institutions can be interpreted as those formed to control other institutions that perform functions following their assignments. Control can be done in a preventive and repressive manner. It will be inherent in the oversight of the supervisory institution. Supervisory institutions can be formed with assignments in fields specific to the oversight of supervised institutions so that one institution can be supervised by various kinds of supervisory institutions that carry out the supervisory function in particular areas. A form of desire to create clean and authoritative governance, many supervisory institutions were made in the government system in Indonesia, other than those inherent in bureaucratic institutions of nature internally. Currently, there are also supervisory institutions that do not originate from the government bureaucracy but are tasked with overseeing the government.¹¹

In theory, supervision is divided into several properties, if viewed from the position of the organ that carries it out, into internal and external. Whereas if

⁹ Nurfaika Ishak, Rahmad Ramadhan Hasibuan, and Tri Suhendra Arbani, 'Bureaucratic and Political Collaboration Towards a Good Governance System', *Bestuur*, 8.1 (2020), 19 <https://doi.org/10.20961/bestuur.v8i1.42922>

¹⁰ Bambang Tjahjadi, Noorlailie Soewarno, and Febriani Mustikaningtiyas, 'Good Corporate Governance and Corporate Sustainability Performance in Indonesia: A Triple Bottom Line Approach', *Heliyon*, 7.3 (2021), e06453 <https://doi.org/10.1016/j.heliyon.2021.e06453>

¹¹ Awaludin Marwan, Diana Odier-Contreras Garduño, and Fiammetta Bonfigli, 'Detection of Digital Law Issues and Implication for Good Governance Policy in Indonesia', *Bestuur*, 10.1 (2022), 22–32 <https://doi.org/10.20961/bestuur.v10i1.59143>

viewed from the aspect of implementation, it can be divided into preventive (a priori), repressive (posterior), and juridical supervision, there are still more who add it to public supervision and supervision by the balance of power. There are two kinds of supervision for the government in Indonesia, namely internal supervision conducted by Inspectorate General and external supervision specially formed by the state to carry out supervision in specific fields. The role of the regulatory body in ensuring that the government runs well is crucial. The position can be done in a preventive and repressive manner, with the ultimate goal of achieving good governance. Local government, as the implementer of governance at the local level, did not escape from the supervision policy conducted by the state.¹² Regional governments in their public services are externally supervised by state institutions with authority to oversee the implementation of public services organized by state and government administrators, the Ombudsman. The Ombudsman has trustees in the regions. In this study, the Ombudsman in Yogyakarta Province will be studied and compared with the Ombudsman in China at the regional level.¹³

The Government of Yogyakarta and the Regional Government under it are part of the supervised institution of the supervisory board of the Ombudsman Institution of Yogyakarta. Yogyakarta Ombudsman Institution cannot be separated from bureaucratic problems and the quality of human rights protection in Yogyakarta. Its presence since 2005 is considered a time frame of institutional change, in this context, the human rights protection institution in Yogyakarta. Maximizing the benefits of bureaucratic change and its services is distinguishing the gap changes generated by the Ombudsman. As a change process, bureaucratic reforms and human rights protection through the Ombudsman cannot be placed within the optimum utility framework to win and sacrifice one party.

Based on the 2022 Annual Reports of the Indonesian Ombudsman, it is stated that in 2022, the central Ombudsman and representative offices as a whole handled 22,197 cases, ranging from 6,767 public reports, 11,427 non-report consultations, 1,437 quick responses, 88 self-initiated investigations, as well as copies of 2,478 cases. While in 2021, concerning the 2021 Annual Reports of the Indonesian Ombudsman, Ombudsman received 7,186 reports/complaints from the public regarding implementing public services. The reports comprise 6,176 Regular Reports, 835 Rapid Response reports, and 175 Self-Initiated Investigation reports. In addition to these reports, the Indonesian Ombudsman received non-reports consultations, which increased by 35.71% compared to the previous year,

¹² Simon Sumanjoyo Hutagalung and Dedy Hermawan, 'Evaluation of Local Government Innovation Program in Lampung Province', *Jurnal Bina Praja*, 10.2 (2018), 241–50 <https://doi.org/10.21787/jbp.10.2018.241-250>

¹³ Jakob Trischler and Donald Robert Scott, 'Designing Public Services: The Usefulness of Three Service Design Methods for Identifying User Experiences', *Public Management Review*, 18.5 (2016), 718–39 <https://doi.org/10.1080/14719037.2015.1028017>

2020. Moreover, based on the Yogyakarta Ombudsman Annual Report, 2020-2022, there are more than 1020 consultations and complaints from various accesses. However, concerning the Distribution of Reported Areas, Yogyakarta only stated 446 cases. Sharing causes of complaints from the public regarding their unfulfilled rights, discrimination, or unfair treatment by public service providers, either from state or private/company organizers.¹⁴

Meanwhile, in China, in a survey conducted by the Maplecroft Institute, China still ranks third as the country with the worst human rights protection in the world after Yemen and Iran. 2023 China will implement bureaucratic reforms in its strategic plan, including changing the umbrella Institution for the Chinese Ombudsman. Whereas in the Hongkong Ombudsman, based on its annual report 2021/2022, the rest of the complaints handled 2,293 were closed after assessment due to insufficient grounds to pursue the complaint (1,171 or 51.1%) or jurisdictional or legal restrictions (1,122 or 48.9%). Seeing the results of China's protection index, which are still weak, it is interesting to examine and compare the achievements and challenges of the Ombudsman of China and Indonesia in protecting human rights. In particular, Indonesia and China have high population similarities, where guaranteeing the protection of human rights for every citizen will be very challenging to implement, especially at the local government level.¹⁵

Several previous studies regarding the Ombudsman in Indonesia have examined it from various perspectives. For example, research on implementing the Indonesian Ombudsman in supervising public services in Makassar. This study provides the results of an analysis of the role and function of the Ombudsman in improving the quality of service by receiving reports from the public, which are reported around 679 and 489 cases can be resolved, meaning that around 60% of the total number of reports from the public and 40% are still in process.¹⁶ Another study examines public service issues and Ombudsman Representatives' recognition level from the perspective of big data as input in development planning related to public service oversight. The results showed that based on the classification of the reported party, the three agencies that received the most complaints from March 2020 – March 2021 were the Social Services, Education, and Health Services. Problems related to Social Assistance were the most common complaints reported by the public to the Indonesian Ombudsman during the Covid-19 period. In addition, the analysis shows that until the latest data for 2021,

¹⁴ Nur Fitriah Ayuning Budi and others, 'A Study of Government 2.0 Implementation in Indonesia', *Socio-Economic Planning Sciences*, 72 (2020), 100920 <https://doi.org/10.1016/j.seps.2020.100920>

¹⁵ Tan Yigitcanlar and others, 'Artificial Intelligence in Local Government Services: Public Perceptions from Australia and Hong Kong', *Government Information Quarterly*, 40.3 (2023), 101833 <https://doi.org/10.1016/j.giq.2023.101833>

¹⁶ Tasria Lestari and others, 'Function Control Of Ombudsman The Republic Indonesia (Ori) In Public Service', 2020, pp. 490–99 <https://doi.org/10.15405/epsbs.2020.03.03.57>

the level of popularity of the Ombudsman in the regions is still low.¹⁷ Based on a sample of scientific research that discusses the Indonesian Ombudsman, no one has yet researched the linkages of ombudsman achievements and challenges in ensuring arrangements for protecting human rights so that good governance can be realized.

Furthermore, previous studies on human rights protection policies in public services through the Chinese Ombudsman have not been carried out at the level of reputable scientific work. The author can browse papers that raise the Ombudsman issue in China, but they are still general. For example, Ivo Mineiro's research (2009) discusses all Ombudsman in China--Mainland China, Hong Kong, and Macao and there is no comparison with countries outside of China.¹⁸ In addition, the writings of Benny Tai (2010) are more focused on discussing the institutional model of the Ombudsman.¹⁹ Meanwhile, other recent articles previously had problems with the lack of guarantees for human rights in various fields, such as the environment and labor. However, this is not directly related to how the Ombudsman resolves it as long as it remains under the authority of the Ombudsman. For example, a study by Xiaojie Zhang et al. (2017) discuss how citizen environmental complaints benefit environmental regulators in China to control various pollution emissions. What drives residents to file objections to the environment that is rarely reported.²⁰ In 2018, Xiaojie Zhang et al. conducted a similar study on environmental rights complaints. In his paper, we have explored the antecedents of intentional self-reported environmental complaints by citizens in China.

Moreover, Xiuyun Yang and Qiuping Chen (2023) researched natural resource utilization complaints. It was stated that the regulation on the use of resources was loosely enforced due to the lack of local legitimacy caused by the conflict of interest of the stakeholders. Thus, the impact on environmental damage and people's livelihoods.²¹ In addition, research on environmental management rights continues to be found in the study of Boqiang Lin and Aoxiang Zhang (2023), also

¹⁷ Andi Setyo Pambudi, Istiqlal Abadiyah Sukma Putri, and Devy Paramitha Agnelia, 'Portrait of Public Service Issues and Recognition Rate of Ombudsman Representative Office in Big Data Perspective', *Jurnal Perencanaan Pembangunan: The Indonesian Journal of Development Planning*, 6.3 (2022), 369–85 <https://doi.org/10.36574/jpp.v6i3.299>

¹⁸ Ivo Donat Firmo Mineiro, 'The Role of the Ombudsman in Defending Human Rights', in *One Country, Two Systems, Three Legal Orders - Perspectives of Evolution* (Berlin, Heidelberg: Springer Berlin Heidelberg, 2013), pp. 329–37 https://doi.org/10.1007/978-3-540-68572-2_19

¹⁹ Models of Ombudsman and Human Rights Protection

²⁰ Xiaojie Zhang, Guojie Geng, and Ping Sun, 'Determinants and Implications of Citizens' Environmental Complaint in China: Integrating Theory of Planned Behavior and Norm Activation Model', *Journal of Cleaner Production*, 166 (2017), 148–56 <https://doi.org/10.1016/j.jclepro.2017.08.020>

²¹ Xiuyun Yang and Qiuping Chen, 'Mining Violations, Rent-Seeking, and Resource Governance in China: Evidence from Central Environmental Protection Inspection', *The Extractive Industries and Society*, 13 (2023), 101218 <https://doi.org/10.1016/j.exis.2023.101218>

discussing how to combat environmental pollution better. China announced the New China Environmental Protection Law in 2015.²² Furthermore, Xiaojia Zheng (2022), researching complaints on labor protection rights increases the stability of employees and strengthens their monitoring role. All the research above does not overlap massively with the author's research. Instead, it has significant differences in the regulation of guarantees for human rights, notably through the ombudsman institution.²³ All the research above does not overlap massively with the author's research. Instead, it has significant differences in the regulation of guarantees for human rights, notably through the ombudsman institution.

Consequently, in the welfare state, supervision occupies the most important place. The public supervisory institution is needed to manage the current government. Its presence was awaited by the people who wanted to improve the government system in a better direction, but not a few parties opposed its presence. Zainal Mochtar stated that anyone agreed that supervision would be essential in implementing a country's government. That is, it is challenging to let the government carry out a thing without considering the existence of its control method. It is because good governance is reflected in a system that regulates the balance between the public interest and the private rights of citizens.²⁴ Meanwhile, for other studies discussing the Ombudsman, we have only found writings concerning the Ombudsman in general, not specifically on protecting human rights. These studies are also not comparative, while this paper specifically compares settings in Indonesia and China.

Based on the cases report, this study seeks to explore: the achievements and challenges of the Ombudsman institution and its effectiveness in enforcing human rights protection in Indonesia and China to realize good governance; the supervision pattern of Ombudsman in Indonesia and China, the enforcement of human rights protection; and ideal paradigm of human rights protection according to the comparison between Ombudsman institutions in Indonesia and China for evaluating Indonesia human rights protection through Ombudsman supervisory.

In an organization, the supervisory system plays an important role in ensuring that everything goes according to the mandate, vision, mission, goals and targets of the organization. The supervision system has two main objectives, namely

²² Boqiang Lin and Aoxiang Zhang, 'Can Government Environmental Regulation Promote Low-Carbon Development in Heavy Polluting Industries? Evidence from China's New Environmental Protection Law', *Environmental Impact Assessment Review*, 99 (2023), 106991 <https://doi.org/10.1016/j.eiar.2022.106991>

²³ Xiaojia Zheng, Yunfei Yang, and Yanyan Shen, 'Labor Protection, Information Disclosure and Analyst Forecasts: Evidence from China's Labor Contract Law', *China Journal of Accounting Research*, 15.3 (2022), 100251 <https://doi.org/10.1016/j.cjar.2022.100251>

²⁴ Xiaotian Tang, 'Reforms in the Petition Letter and Visit System of China and Construction of a Harmonious Society', *Frontiers of Law in China*, 5.1 (2010), 77-90 <https://doi.org/10.1007/s11463-010-0004-5>

accountability and learning processes. In terms of accountability, the supervision system will ensure that development funds are used in accordance with ethics and legal rules in order to fulfill a sense of justice. Regarding the learning process, the supervision system will provide information about the impact of the program or intervention that is being carried out so that decision makers can learn how to create a more effective program. This research is essential to discover the achievements and challenges of protecting human rights from the Ombudsman's supervisory work. The results can be used to evaluate and formulate better human rights protection policies.

2. Research Method

This paper is normative legal research. Referring to the analysis of the concept of good governance and arrangements for the protection of human rights in Indonesia and China, which the regulation of oversight of public service bodies by the Ombudsman embodies. The writing approach uses a statutory and conceptual approach by comparing regulations and implementation in Indonesia and China. The legal substance of setting the general principles of good governance, human rights according to national and international laws/conventions, and supervision by the Ombudsman is clarified through field data. The author uses an analytical technique based on interactive analysis, which consists of three activities that interact with each other and continue to be completed so that the data becomes saturated. Activities in data analysis are data reduction, data presentation, and conclusion.²⁵ This paper provides an overview of the achievements and challenges of protecting human rights by the Ombudsman through its regulation. Ultimately, the summary of human rights protection aspects will be obtained to validate the close relationship between good governance and implementing human rights protection as a state responsibility as stated in its national law as mandated by international law.²⁶

3. Results and Discussion

Human Rights Protection Policy in Realizing Good Governance in Indonesia

The government's decentralization policy provides an opportunity to create a space for community participation in assessing local government performance. For this reason, innovations in administering the government include institutional reorientation, the attitude of the apparatus, and, most importantly, the political will

²⁵ Theresia Anita Christiani, 'Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object', *Procedia - Social and Behavioral Sciences*, 219 (2016), 201–7 <https://doi.org/10.1016/j.sbspro.2016.05.006>

²⁶ Alison B. Hamilton and Erin P. Finley, 'Qualitative Methods in Implementation Research: An Introduction', *Psychiatry Research*, 280 (2019), 112516 <https://doi.org/10.1016/j.psychres.2019.112516>

of the bureaucracy itself.²⁷ One of the institutions that can encourage good governance is the Ombudsman. The Regional Ombudsman Institute of Yogyakarta (Yogyakarta Ombudsman Institution) is an executive ombudsman because the Yogyakarta Provincial Government established it. Its establishment was initiated by the Center for Human Rights Studies of the Islamic University of Indonesia (PUSHAM UII) Yogyakarta and supported by the Partnership for Governance Reform in Indonesia. It is motivated by the transformation of the government that wants to build a democratic and clean government.²⁸

The juridical foundation for the establishment of the Yogyakarta Ombudsman Institution is the People's Consultative Assembly (MPR) XI/1998 Decision concerning the Implementation of a Clean and Free Country from Corruption Collusion and Nepotism, MPR VIII/2001 Decision concerning Recommendation on the Direction of Clean and Free Country from Corruption Collusion and Nepotism State Policy, Law No. 20 of 2001 on Eradicating Corruption and implicitly outlined in the amendments to the 1945 Indonesian Constitution. The formation of the Regional Ombudsman, in addition to maintaining the National Ombudsman, which is currently the Ombudsman of the Republic of Indonesia (ORI), is in line with the implementation of decentralization.²⁹

Government decentralization requires external caregivers in the region to resolve regional problems quickly. Yogyakarta Ombudsman Institution supervises the administration of the state and regional governments to guarantee and protect the interests of the community. This institution has a strategic task to be a recipient institution of community complaints regarding decisions, actions, or behavior of state apparatus and regional governments that are considered detrimental in providing human rights protection in public services (See Article 6 and 7 Governor Decision Letter No. 134 of 2004 on the Establishment and Organization of Regional Ombudsman in Yogyakarta Province). In Yogyakarta Governor Regulation No. 21 2008 concerning the Organization and Work Procedure of Regional Ombudsman in the Province of Yogyakarta, it is expressly formulated to function as a supervisory institution, mediating community services on the implementation of regional government.

In the Yogyakarta Governor Regulation No. 21 of 2008 (Currently based on the Yogyakarta Governor Regulation No. 69 of 2014 that the Yogyakarta Regional Ombudsman Institute became the Yogyakarta Ombudsman Institution which also

²⁷ Tommy Firman, 'Multi Local-Government under Indonesia's Decentralization Reform: The Case of Kartamantul (The Greater Yogyakarta)', *Habitat International*, 34.4 (2010), 400-405 <https://doi.org/10.1016/j.habitatint.2009.11.005>

²⁸ Tri Wahyu, 'LOD Yogyakarta Memperkuat Keistimewaan Yogyakarta', *Jurnal Ombudsman Edition*, 13 (2013) <https://ombudsman.jogjaprovo.go.id/jurnal-ombudsman-daerah-edisi-13/> [accessed 27 June 2023].

²⁹ Suparman Marzuki, 'Komisi Ombudsman Daerah Dan Good Governance', *Jurnal Hukum IUS QUIA IUSTUM*, 10.22 (2003), 16-26 <https://doi.org/10.20885/iustum.vol10.iss22.art2>

supervised human rights protection organized by private entities in the Yogyakarta region), regulates 3 (three) objectives of the Regional Ombudsman: Firstly, encouraging and realizing the implementation of clean, democratic, transparent and accountable regional government free from corruption, collusion, nepotism, abuse of power, or position and arbitrary actions and community legal awareness and upholding the rule of law; Secondly, helping every citizen to get good, quality, professional and proportional services based on the principle of legal certainty, justice and equality from the regional government; Thirdly, facilitating and providing mediation to obtain legal protection for every citizen to obtain good, quality, professional and proportional services based on the principle of legal certainty, justice and equality in all fields from the local government administrators (See Article 5 Yogyakarta Governor Regulation No. 21 of 2008).

The Yogyakarta Ombudsman Institution supervision pattern cannot be placed in the framework of the optimum utility to win one party and sacrifice the other. The changing gap that can be attempted through Yogyakarta Ombudsman Institution is set in the framework of the optimum utility because the success of the process and the results are determined by an agreement between parties (morally binding). The capacity of the Ombudsman to handle complaints and make changes to the bureaucracy and human rights protection is not only interpreted as the internal capacity of the institution. However, the system of ideas and the social system also influence the success of the Ombudsman's institution. The Ombudsman institution here then does not determine the output but only limits it. More precisely, institutions do not determine the institution's output in dealing with complaints cases but rather provide a limit for institutional actors in making future decisions and actions.³⁰ This approach overcomes the logic of appropriateness (sociological) and consequent logic (rational choice), which is then defined as the choice within constrain in the patterns that repeat in cases handled by the Yogyakarta Ombudsman.

The pattern of supervision of Yogyakarta Ombudsman Institution from social services that were previously given merely to respond to problems or needs (problems-based services), Yogyakarta Ombudsman Institution applies to the mission of fulfilling rights-based services as mandated by the national constitution of 1945 and the international convention. The pattern of human rights protection, based solely on normative rules (rules-based approaches), becomes a results-oriented approach. Accountability, effectiveness, and efficiency mean the achievement of key performance indicators. There is a transformation of public management supervision into public governance. In the public management concept, the community is considered a client, customer, or simply a service user,

³⁰ Nabila Firstia Izzati, 'Ombudsman Sebagai Lembaga Pengawas Pelayanan Publik Di Indonesia', *SASI*, 26.2 (2020), 176 <https://doi.org/10.47268/sasi.v26i2.235>

so it is part of the market contract. In public governance, people become citizens who are part of the citizen contract.³¹

In public governance, necessary service procedures are published so that information disclosure occurs, guaranteeing the implementation of other good governance principles such as participation and accountability. Thus, a good or bad service can be seen in the high and low levels of citizens' trust. It can then build order and peace in a society. In terms of state financial performance, public policies can shape community integrity. Therefore, there is an urgent need for the development of a linkage of public policy in handling problems of people's welfare.³² The main objective is streamlining coordination and networking to improve the community's guarantee and social security system.

Thus, they can respond to the signs and impacts of social change around them. There is also the need for documentation that bridge communication about policies made between policymakers, designers, and stakeholders. The Yogyakarta Ombudsman Institution's supervision pattern always coordinates with other supervisory institutions, especially community representation supervisory institutions. Among the supervisory institutions are the Regional House of Representatives, Information Commission, Election Oversight Body, and Non-Governmental Organisation (NGO). It was to build a human rights protection integrity system so that the issue of human rights protection was immediately resolved. The solution can also be a systemic and binding policy through a local regulation or decree.

Yogyakarta Ombudsman Institution developed supervision to ensure the actualization of rights and obligations that optimize the synergy of the state (in this case, the government bureaucracy) and the people. Human rights protection is one indicator of the government's assessment of governmental duties. The existence of the government no longer regulates and creates mere procedures, but for now, it prioritizes good service to the community. Yogyakarta Ombudsman Institution considers that the state is obliged to serve every citizen and population to fulfill their fundamental rights and needs within the human rights protection framework. It also has a role in the affirmation of the rights and obligations of every citizen and resident and the realization of state and corporate responsibility in the implementation of human rights protection, in addition to protecting every citizen and population from abuse of authority in the administration of human rights protection.

³¹ Nuriyanto Nuriyanto, 'Membangun Budaya Hukum Pelayanan Publik Untuk Mewujudkan Kesejahteraan Rakyat', *INTEGRITAS*, 1.1 (2018), 15 <https://doi.org/10.32697/integritas.v1i1.112>

³² Matondang Elsa Siburian, 'The Link between Fiscal Decentralization and Poverty – Evidence from Indonesia', *Journal of Asian Economics*, 81 (2022), 101493 <https://doi.org/10.1016/j.asieco.2022.101493>

The pattern of supervision of Yogyakarta Ombudsman Institution, again, involves the community with the pattern of empowering the social audit system using technological facilities such as e-mail, telephone, and gateway short message system. What's interesting is the SMS gateway pattern that is connected to the officials concerned. Every citizen complaint can immediately get a response from the Regional Working Unit (SKPD) head (This monitoring system with the SMS Gateway model has collaborated with the Bantul Health Office—every complaint related to health services in the district health center. The head of his office can directly respond to Bantul). Thus, it facilitates access to citizen complaints and their resolution.³³

Cooperation, coordination, and synergy of supervisory and supervised institutions are means of improving the quality of human rights protection that can realize good governance. In this case, coordination and cooperation will increase the effectiveness and efficiency of implementing the institution's role. Institutional strengthening must also be given to the Regional External Supervisory Agency, which is currently based on the leadership's or regional head's decision to become a provincial regulation. Thus, all positions of the supervisory institution have the same strong juridical basis. It is to guarantee and fulfill the rights of the people to get excellent and quality human rights protection that the government can achieve. Supervision of human rights protection is not only focused on administrative constraints, but also the essential one is the fulfillment of citizens' rights in the form of justice mandated by Pancasila as the nation's ideology and the 1945 Constitution, which forms the basis of the Indonesian constitution. The more significant the role of supervision of the ombudsman in the government bureaucracy, the better the quality of human rights protection. It will advance the welfare of the people in the dynamics of the development of the nation and the state of Indonesia.

The institutional design of the Executive Ombudsman is not without reason, and it has challenges and obstacles. Moreover, the initial aspirations and spirit of establishing this institution were to create excellent and clean local governance. Its enthusiasm must undoubtedly be faced with the bureaucratic pathology that occurs. Yogyakarta Ombudsman's institutional design has the duty, function, and authority to supervise human rights protection and follow up complaints in the form of recommendations for improvements that are only morally binding. Of course, this is not strong enough to provide the power to drive change. Therefore, the success of the Yogyakarta Ombudsman Institution as a reflection of the performance of the bureaucratic apparatus is a catalyst for change. Good faith or goodwill from human rights protection providers determines changes. For

³³ Zahara Nampewo, Jennifer Heaven Mike, and Jonathan Wolff, 'Respecting, Protecting and Fulfilling the Human Right to Health', *International Journal for Equity in Health*, 21.1 (2022), 36 <https://doi.org/10.1186/s12939-022-01634-3>

bureaucracies that do not understand the duties and functions of the Ombudsman institution, the image of the Yogyakarta Ombudsman Institution is often synonymous with institutions that are looking for problems and mistakes from them. Even if placed as a work partner, the performance of the Yogyakarta Ombudsman Institution will significantly help improve the quality and performance of the apparatus in providing services to the citizen. Thus, people have trust in the government.³⁴

Achievements and Challenges of Human Rights Protection Policy of The Yogyakarta Ombudsman Institution in realizing good governance

The effectiveness of supervision and success of the Yogyakarta Ombudsman Institution can be seen in the supervision system. Supervision of the Yogyakarta Ombudsman Institution is very effective, followed by recommendations when synergizing with legislative institutions and NGOs and coordinating with the executive. Fundamental citizen problems related to the rights and obligations are to be followed up systemically in the form of rules or regulations, decisions of regional heads, and related SKPD. Recommendations on the structure of policy change/ improvement (impact) and the form of human rights protection have significant results, with the reason that the recommendations produce new policy products as an anticipatory regulation on problems that arise later on. It mentioned proof of effectiveness and the success of achieving institutional performance. The clarification, mediation, and recommendation mechanisms issued by the Regional Ombudsman are a solution to problems outside the court, prioritizing the values of deliberations between parties (reporters, in this case, are the community, and the reported in this case is the Yogyakarta local government agencies).

All complaints are always made through a clarification process, such as tuition fees and health service fees for those who already have health insurance, clarification is carried out by inviting the reported party. If the clarification results show that it is not a violation of regulations/laws, only a communication error, then mediation is carried out. If there is a violation, the product is a recommendation.³⁵ For example, the existence of school fees is a violation of regulations. The school is asked to comply with the rules and to their superiors/agencies above them to impose sanctions on the agencies under them as reported. Hospitals are under the health office, schools are under the education office, etc. Furthermore, monitoring is done by asking whether the reported party has fulfilled its obligations. Regional Ombudsman can bridge what people expect

³⁴ Edi Pranoto, 'Effectiveness of Legal Construction: General Principles of Good Governance in Indonesia', in *Proceedings of the 3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019)* (Paris, France: Atlantis Press, 2019) <https://doi.org/10.2991/icgflow-19.2019.87>

³⁵ Carmen Marsal, 'The Yogyakarta Principles: Human Rights at the Service of Gender Ideology', *Dikaion*, 20.1 (2011), 119–30 <https://doi.org/10.5294/dika.2011.20.1.6>

from the Yogyakarta Provincial Government and what the Yogyakarta Provincial Government can do to provide the best service to the community.

In general, handling reports in Yogyakarta Ombudsman Institution can be through the stages of investigation, clarification, and/or mediation. Some reports can be declared completed in the mediation stage, where both parties (Reporters and Reported Parties) agree to resolve or consider the problem to be resolved in the mediation forum. In comparison, completing several other reports can lead to Legal Opinions of Yogyakarta Ombudsman Institution and/or Yogyakarta Ombudsman Institution Recommendations. Monitoring and evaluating recommendations are the starting point in determining the extent to which changes occur or not from the emergence of Yogyakarta Ombudsman Institution recommendations. The monitoring results become the reason or rationalization of the success of supervision and measuring the quality of performance of human rights protection carried out by the regional government.³⁶

The number of reports that were followed up during 2020-2022 was adjusted to the reports entered in Yogyakarta Ombudsman Institution with the number of complaints totaling 446 reports consisting of 141 reports in 2020, 123 reports in 2021, 182 reports in 2023 (See Report data Annual Central Ombudsman—data based on the distribution of the reported areas). Meanwhile, data on consultations and reports successfully handled by the Yogyakarta Ombudsman Annual Report, for the last three years, there have been 1023 cases. The detailed report (the number of complaints and their solution) can be seen in the table below:

Table 1. Yearly Complaint Amount based on Distribution of Reported Areas in Yogyakarta on Central Ombudsman data

No	Year of Report / Complaint	Amount
1	2020	141
2	2021	123
3	2022	182
Total		446

Source: Data processed from the Annual Report of the Ombudsman of the Republic of Indonesia for 2020, 2021 and 2022

³⁶ Leli Tibaka and Rosdian Rosdian, 'The Protection of Human Rights in Indonesian Constitutional Law after the Amendment of the 1945 Constitution of the Republic of Indonesia', *FIAT JUSTISIA: Jurnal Ilmu Hukum*, 11.3 (2018), 266 <https://doi.org/10.25041/fiatjustisia.v11no3.1141>

Table 2. The Amounts of Cases and Follow up Consultation and Complaint

No	Year	Complete cases	Cases in Process which entered in the following year	Amount
1	2020	326	19	345
2	2021	257	23	280
	2022	398	Not yet known	398
		Total		1023

Source: Data processed from the Annual Report of the Ombudsman of the Yogyakarta Province for the IV Quarter in 2020, 2021 and 2022

In 2020, there were 246 cases handled by information/ consultation type and 99 complaint reports; Another 19 cases are included in handling cases in 2021. In 2021, 187 cases were conducted with the kind of information/ consultation and 93 reports of complaints, but 23 cases will continue in 2022. Meanwhile, in 2022 270 cases have been handled with this type of information/ consultation and 128 complaint reports. Based on Table 2. There is a significant increase in cases dealt with from 2021 to 2022.

In 2021, cases that often receive attention from the Ombudsman's supervision are maladministration of the registration of transfer of ownership rights to land by several agencies, including the Head of the Bantul Regency Land Office, the Head of the Kulon Progo Regency Land Office, the Head of the Yogyakarta City Land Office, the Head of the Gunungkidul Regency Land Office, and the Head of the Gunungkidul Regency Land Office, and Land Affairs of Sleman Regency. Below are several samples of case analysis and policy results conducted by the Yogyakarta Ombudsman.

Table 3. Cases and Policies

No	Cases	Case Level	Policy Results
1.	Guwosari Housing	Systemic	There was a change in the policy on housing and citizen facilities regulations in Bantul
2.	Diploma Detention	Systemic	SE Dindik Yogyakarta City; Regional Regulation No. 10 of 2013 concerning Yogyakarta Education Funding
3.	Population Administration for Vulnerable Groups	Systemic	There is a mechanism for data collection of vulnerable groups to obtain population documents (National ID/ Family Card/ Letter of Birth)
4.	Apindo Yogyakarta-Regional Regulation HO Retribution	Systemic	A regent's decree appears regarding relief of retribution
5.	Consideration of	Personal	The regent revamped in accordance with

	Position and Rank Agency (Baperjakat) Civil Servants Gunungkidul Gol. IV A		the rules recommended by Yogyakarta Ombudsman Institution.
6.	Community Health insurance (Jamkesmas)	Systemic	Minister of Health Regulation to replace Jamkesmas membership (via Ombudsman Brief)
7.	Mas Suharto Land	Systemic	National Land Agency's (BPN) recommendation to revoke land ownership status.
8.	Governor Regulation, Regional Regulation on Disability	Systemic	Acceleration of Governor Regulation on Disability Regional Regulation
9.	BRI ATM for Disability	Personal	ATM SE is allowed for Blind Customers
10.	Hospital Referral	Personal	The emergence of a non-guaranteed referral form mechanism
11.	Prambanan Temple Tourism Park (TWC)	Personal	Get a kiosk at Prambanan TWC.
12.	Health Insurance for Vulnerable Groups	Personal	The emergence of Governor Regulation No. 1 of 2014 concerning health insurance for vulnerable groups
13.	Perennials in rice fields	Personal	Village Regulations appeared on Perennials.
14.	One-door registration for Knowledge Management System (KMS)	Personal 2013	New student admission monitoring 2014
15.	The issue of ex-wife's salary	Personal	Got 1/3 part of salary.
16.	Service of Local water company (PDAM) Sleman	Personal 2012	Preparation of Technical Guidelines for Operational Guidelines and Complaints facilities in Local water company (PDAM) Sleman.
17.	Srunen Elementary School	Systemic	There is already village facilitation towards the relocation of Srunen Elementary School.
18.	Issue of Election of Hamlet Heads	Personal	Recommended Domicile Principles
21.	Death Certificate	Personal	Repair the death form
22.	Land	Personal 2013	Improvement of documentation and filing systems in Danurejan District. Camat does not function as Land Titles Registrar (PPAT)
23.	Wonolelo Environmental Mining	Systemic	Stop mining
24.	Letter of credit (LC)	Systemic	LC Follow-up: Coordination between agencies to follow up in stages and

		comprehensively starting with building roads according to the LC map.
27.	Swap land swap	Personal Clarify school status, school land and village treasury.

Based on Table 3., those cases above are followed by some policies as their solution in the form of Regional Regulation and decisions of SKPD. If we look at the scope of the problems in the Yogyakarta Ombudsman Institution tradition, it can be divided into two criteria: cases with systemic levels and issues experienced only by individuals. These individual cases can also have a systemic impact, or individual cases but also concern the rights and obligations of citizens in general. The parameters of effectiveness and the successful implementation of the Yogyakarta Ombudsman Institution's recommendations are the implementations of recommendations, and those followed up with regulatory policies. The more intensive involvement of Ombudsman institutions in efforts to resolve problems shows the increasing acceptance/degree of institutional openness from the institutions reported.³⁷ Changes in policy as an outcome contained in a gradual regional regulation starting from the Regional Regulation, Regulation of The Regional Head, or limited to internal rules of the agency concerned. In addition, the effectiveness and success of the Yogyakarta Ombudsman Institution is shown by the Yogyakarta Ombudsman Institution's capacity as a horizontal bridge between regions, especially in Yogyakarta. Thus, there is policy replication between regions. That is, changes from existing complaints can be replicated or applied in other areas.

In addition to implementing excellent and satisfying services to the citizens, it has become a demand of the community such that government agencies providing human rights protection must fulfill them. These demands arise from citizens' awareness of the importance of good governance, authority, openness to the active participation of citizens, and upholding the rule of law. Good governance can also be interpreted as a general principle or guideline containing idealized legal norms (ideal norms) that are philosophical. If the principle can be fully implemented, its characteristics will appear factual when human rights protection is held. Good service requires citizen/public participation, obedience to rules, transparency, responsiveness, effectiveness and efficiency, responsibility, and clarity of time and cost.³⁸

Good governance has a number of characteristics as follows: (1) Accountable, meaning that the making and implementation of policies must be accompanied by

³⁷ Robert Bruce Hey, 'What Are the Principles of Good Governance?', in *Performance Management for the Oil, Gas, and Process Industries* (Elsevier, 2017), pp. 91–105 <https://doi.org/10.1016/B978-0-12-810446-0.00007-4>

³⁸ Luca Mora and others, 'Smart City Governance from an Innovation Management Perspective: Theoretical Framing, Review of Current Practices, and Future Research Agenda', *Technovation*, 123 (2023), 102717 <https://doi.org/10.1016/j.technovation.2023.102717>

accountability; (2) Transparent, meaning that adequate information must be available to the public regarding the process of making and implementing policies; (3) Responsive, meaning that in the process of making and implementation, policies must be able to serve all stakeholders; (4) Equivalent and inclusive, meaning that all members of the community without exception must have the opportunity in the process of making and implementing a policy; (5) Effective and efficient, meaning that policies are made and implemented using the best available resources; (6) Following the rule of law, meaning that in the process of making and implementing policies requires a just and enforced legal framework; (7) Participatory, meaning that the making and implementation of policies must open space for the involvement of many actors; (8) Consensus-oriented (agreement), meaning that the making and implementation of policies must be the result of mutual agreement among the actors involved.³⁹

To guarantee and improve the implementation of human rights protection, the supervision of the external bureaucracy needs to work together with mutual assistance in supervision matters. Supervisory institutions, such as Yogyakarta Ombudsman Institution, also provide a space of appreciation for government officials who have performed well as stipulated in Law No. 25 of 2009 on Public service. Then the Yogyakarta Ombudsman Institution commissioner in the third period (2012-2015) gave awards to the apparatus and agencies that had performed well in the follow-up corridor of handling complaints and implementing recommendations from the Yogyakarta Ombudsman Institution.

Thus, Yogyakarta Ombudsman Institution is a punisher and an award for those who want to do bureaucratic reform and human rights protection in public service. A supervisory performance is changing, reforming, structuring, improving, or perfecting the bureaucracy to function optimally in community service.⁴⁰ People, as citizens, have full rights to service to actualize themselves. The state represented by the government must be present for services to fulfill the rights of its citizens. The maximization of benefits for changes in bureaucracy and its services is a differentiator of the gap in change produced by the ombudsman. The supervision of the ombudsman cannot be placed in the framework of the optimum utility to win one party and sacrifice the other because of its independent and impartial nature. However, the vision and mission of fulfilling citizens' priorities are prioritized.

³⁹ Lisa Sharma-Wallace, Sandra J. Velarde, and Anita Wreford, 'Adaptive Governance Good Practice: Show Me the Evidence!', *Journal of Environmental Management*, 222 (2018), 174-84 <https://doi.org/10.1016/j.jenvman.2018.05.067>

⁴⁰ Jacob Torfing and Peter Triantafillou, *Enhancing Public Innovation by Transforming Public Governance*, ed. by Jacob Torfing and Peter Triantafillou (Cambridge University Press, 2016) <https://doi.org/https://doi.org/10.1017/CBO9781316105337>

Based on data on cases resolved by the Yogyakarta Ombudsman, the Ombudsman RI is of the opinion that the services received by the community in Yogyakarta Province in 2021 for the substance of population administration, education, health, and licensing are perceived to have a low level of maladministration. It is also supported by compliance with high service standards for the four substances. So based on the existing categories, it can be said that DI Province. Yogyakarta is included in category A. Likewise, in 2022, maladministration in Yogyakarta will get a score of 1.05 which is included in the low category.

However, there are challenges in implementing human rights protection in every case handled by the Yogyakarta Ombudsman. Several problems arise for various reasons, ranging from problems with government administration policies to their implementation.⁴¹ Based on the existing challenges, the Ombudsman of the Republic of Indonesia reports challenges that need to be resolved, namely: 1) Increasing the implementation of Bureaucratic Reform in Regional Governments, 2) Simplifying the bureaucracy, 3) Accelerating the implementation of Electronic-Based Government Systems in Ministries/Institutions/Regions, 4) Program to accelerate transformation related to the concept of RPP regarding 'Semesta award' management, 5) Increasing compliance with public service standards, 6) Encouraging the establishment of a National Public Service Complaint Management System and implementing regular monitoring and evaluation, 7) Encouraging the realization of the Online Single Submission Risk Based Approach in administering business licensing, and 8) Encouraging the realization of the implementation of Public Service Malls.

It is based on several issues that challenge the Ombudsman's work regarding the matter of public services for marginalized people that need to be put forward at the Head Office and Representatives. It is because the potential for economic and social disparities is still vast in Indonesia; The Ombudsman is needed to provide inclusive public services; The Representative Office will play a crucial role in reaching out to the people in the frontier, outermost, lagging (3T) areas to ensure that the state is present in the form of public services.⁴²

Human Rights Protection Policy in Realizing Good Governance in China

Basically, the Chinese Government continues to strive for various human rights protections in every line of national life. In 2004, the National People's Congress (NPC) – China's highest legislative body included in the Chinese Constitution that "The state respects and protects human rights". This is a milestone for the Chinese government to change human rights from just a political conception to law.

⁴¹ Arip Sudrajat and Lesmana Andhika, 'Empirical Evidence Governance Innovation in Public Service', *Jurnal Bina Praja*, 13.3 (2021), 407–17 <https://doi.org/10.21787/jbp.13.2021.407-417>

⁴² Paul Spicker, 'The Nature of a Public Service', *International Journal of Public Administration*, 32.11 (2009), 970–91 <https://doi.org/10.1080/01900690903050927>

Therefore, an Ombudsman institution was formed which is an integral part of every government that is open, accountable and good.

The National Public Complaints and Proposals Administration is the national ombudsman of the People's Republic of China. A State Council's affiliated national bureau was established in 2000. The China Ombudsman has been under the Social Work Department of the Chinese Communist Party Central Committee since March 2023. In March 2023, China unveiled the details of the State Council Institutional Reform Plan (Plan) and conducted a vote to appoint new State Council officials in the ninth round of State Council reorganization since the Reform Era began. Previous rounds took place in 1982, 1988, and every five years thereafter. This reform plan changed the function of about 12 institutions and created two new ones. One of them is the newly formed Central Social Work Department as a functional department of the Central Committee. The new department assumes "unified leadership" over the reclassified National Public Complaints and Proposals Administration; and taking over the work of the Ministry of Civil Affairs to guide the development of systems and capacities to regulate urban and rural communities and design social work policies. At the 2023 National People's Congress it was stated that the National People's Complaints and Proposal Administration would become an agency directly under the State Council from one under the general office of the State Council, according to the State Council's institutional reform plan.

It is responsible for hearing public complaints and proposals against various levels of government agencies nationally. The public sector ombudsman has an essential function in handling complaints against public bodies and ensuring public services' accountability and transparency. They have a role to play in raising standards in public administrative.⁴³ Reducing corruption, maladministration and increasing efficiency and consistency in decision-making are targets that must be pursued.⁴⁴ Like Ombudsman institutions in other countries, China does not have a universally agreed-upon public sector ombudsman model, from constitutional status and institutional design to processes and practices.⁴⁵ It is sharply illustrated by contrasting the public sector ombudsman model in the Greater China region, namely in Mainland China, Hong

⁴³ Zhao-ge Liu, Xiang-yang Li, and Xiao-han Zhu, 'Scenario Modeling for Government Big Data Governance Decision-Making: Chinese Experience with Public Safety Services', *Information & Management*, 59.3 (2022), 103622 <https://doi.org/10.1016/j.im.2022.103622>

⁴⁴ Fabian Teichmann and others, 'Business to Government (B2G) Corruption and Resource Misallocation. The Case of China at the Municipal Level', *Journal of Economic Criminology*, 1 (2023), 100005 <https://doi.org/10.1016/j.jeconc.2023.100005>

⁴⁵ Stephen Thomson, 'The Public Sector Ombudsman in Greater China: Four "Chinese" Models of Administrative Supervision', *University of Pennsylvania Journal of International Law*, 39.2 (2017), 435 – 490 <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85045951102&partnerID=40&md5=0f741d0b81c9f9fdec03e52a9e6cc058>

Kong, Macau, and Taiwan—regions with significant political, constitutional, and economic convergence.

Administrative control arrangements in China are currently clearly regulated in the China Constitution and the China Law on Administrative Supervision. The Ombudsman's powers in this regard include receiving complaints from citizens and to resolve problems within the organs of the State administration and enforcement of laws and regulations, as well as in decisions and decisions of the government. Moreover, based on the China Law on Administrative Oversight, it empowers the supervisory body to carry out inspections, investigations, recommendations, and impose administrative sanctions. Based on the findings obtained, the Ombudsman can advise the relevant departments to correct errors and take disciplinary action against violators. In addition, regarding maladministration compensation, an examination can be carried out on illegal levies and fines.⁴⁶

However, it should be noted beforehand that the most notable difference from China's view of human rights is its disregard for civil and political rights, particularly freedom of speech and expression. China even dropped two positions to 13th with the highest risk in our Modern Slavery Index over the past year, the highest position since the data set was launched by the Maplecroft Institute in 2016. The discussion is more specific to Beijing, which is a city that is illiberal regarding human rights. Beijing's human rights framework undermines individual freedom and emphasizes economic development above all other rights. This effectively avoids accountability and scrutiny of rights violations, especially those perpetrated by the state. Oversight from the government - the Ombudsman is certainly very important to resolve this issue.⁴⁷

Unfortunately, Beijing, which continues to improve, is still accompanied by increasingly severe human rights violations in the country. On a broader scale, the party-state has intensified repression against dissidents, human rights lawyers, and relevant civil society activists. Recently, Beijing has also been widely criticized for setting up sprawling internment camps in China's northwestern Xinjiang region, with reports that the China has detained more than one million Chinese Muslims, almost all Uyghurs, and Kazakhs. Beijing has pushed back norms deemed to be against its interests and sought to introduce ideas that conflict with the fundamental values of the international human rights system. It is increasingly leading in advancing his distinctive and controversial human rights cause while seeking to circumvent international scrutiny of his questionable human rights record. China's impact is not limited to the international human rights regime.

⁴⁶ Mineiro.

⁴⁷ Hongjie Cao and others, 'The Impact of Strengthening Government Auditing Supervision on Fiscal Sustainability: Evidence from China's Auditing Vertical Management Reform', *Finance Research Letters*, 47 (2022), 102825 <https://doi.org/10.1016/j.frl.2022.102825>

Whereas, based on The Ombudsman, Hong Kong Annual Report 2021/2022, Hong Kong's performance results, in 2022 there were 5,032 cases that had been resolved. 2,293 cases were closed after assessment, 92 were concluded by full investigation, 2,432 were concluded by inquiry, and 215 were resolved by mediation. The international world marks China regarding the many human rights issues that are increasingly assertive and influential, which will be the most formidable challenge faced by the global human rights regime.⁴⁸

Changes to the Chinese Ombudsman institution—The National Public Complaints and Proposals Administration were made to strengthen and improve the handling of public petitions and better protect the interests of the people. Responsible for handling letters and summons from Chinese citizens, foreigners, legal entities, and other organizations to the Party Central Committee, State Council, and leading colleagues through posts and visits. In addition, responsible for providing important suggestions, opinions and questions submitted by post and summons to the Party Central Committee, State Council, General Office of the CPC Central Committee, and General Office of the State Council: assessing information in posts and visits, carrying out investigations, and formulate and revise relevant policies, policies, and legal and regulatory recommendations. Notably, China could be among the countries that use the classic ombudsman human right model that emphasizes maintaining public administration performance standards and eliminating official errors. Even so, seen from the perspective of the human rights ombudsman model, he still emphasizes protecting the rights of citizens.⁴⁹

Mainland-wide reforms concerning administrative oversight mechanisms are in sight, with Pilot Programs being implemented in Beijing City, Shanxi Province, and Zhejiang Province. The achievements of the Chinese Ombudsman, one of which is the Ombudsman Office in Taiwan (Yuan Control) and Mainland China (National Supervision Commission), have been in the spotlight lately. The Ombudsman of Taiwan and Mainland China made positive and fruitful contributions to the oversight of public administration bodies, especially concerning the protection of human rights and anti-corruption. While offices display marked differences under each jurisdiction, the region increasingly emphasizes the importance of administrative oversight bodies.⁵⁰

⁴⁸ Victoria Tin-bor Hui, 'Beijing's Hard and Soft Repression in Hong Kong', *Orbis*, 64.2 (2020), 289–311 <https://doi.org/10.1016/j.orbis.2020.02.010>

⁴⁹ Rana Siu Inboden, *China and the International Human Rights Regime* (Cambridge University Press, 2021) <https://doi.org/10.1017/9781108888745>

⁵⁰ Lin-Ling Uang, 'A Comparative Legal Study on Functions and Powers of the Ombudsman System in Taiwan and Mainland China', in *Chinese (Taiwan) Yearbook of International Law and Affairs*, Volume 37, 2019 (Brill | Nijhoff, 2020), pp. 243–71 https://doi.org/10.1163/9789004443297_011

Model of Human Rights Protection Paradigm in Realizing Good Governance

The protection of human rights is a mandate of international law. The birth of international human rights legal instruments results from an extended dialogue between human civilizations. Human rights were born from the awareness of natural rights that gave rise to the British Revolution, the American Revolution, and the French Revolution, which were nothing but the struggle for human rights. The Universal Declaration of Human Rights (UDHR) is an instrument adopted by the United Nations General Assembly in 1948. Although in terms of its form, the UDHR is not an international treaty, this instrument has so far received wide acceptance and recognition from the international community. UDHR is even qualified as an International Bill of Rights with two international covenants produced in 1966: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights.⁵¹

In addition, many thematic international agreements were also successfully produced, such as the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child, Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of All Persons from Enforced Disappearance. In addition, the long history of gross violations of human rights that have shaken the conscience of humankind has initiated the birth of several international agreements, such as the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, and the Rome Statute of the International Criminal Court.⁵²

The above conventions to implement them, countries must adopt them in law. In Indonesia itself, human rights regulation is contained in the 1945 Constitution and its amendments; Resolutions of the People's Consultative Assembly No. XVII/MPR/1998 Law No. 39 of 1999 concerning Human Rights Law No. 26 of 2000 concerning the Human Rights Court, Law No. 40 of 2008 concerning the Elimination of Race and Ethnic Discrimination, Law No. 7 of 2012 concerning Handling of Social Conflicts and other relevant national laws and regulations. Although it is regulated in law, the implementation of human rights protection is not an easy thing. Even the state that enforces human rights in law can often not implement it. Poor bureaucracy, weak law enforcement, and lack of supervision affect the inadequate protection of human rights.

⁵¹ Bardo Fassbender, *Securing Human Rights? Achievements and Challenges of the UN Security Council* (Oxford University Press, 2011) <https://doi.org/10.1093/acprof:oso/9780199641499.001.0001>

⁵² Malcolm Molyneux, 'Ombudsman's Report for 2019', *The Lancet*, 396.10246 (2020), 224–25 [https://doi.org/10.1016/S0140-6736\(20\)31546-4](https://doi.org/10.1016/S0140-6736(20)31546-4)

To overcome the weak protection of human rights, some countries have established their supervisory agencies and allow NGOs to protect human rights.⁵³ In Indonesia, partially in Yogyakarta, the Ombudsman institution is one of the long arms of the public service supervision agency that indirectly supervises the implementation of the protection of human rights. Applying the concept of citizenship in which the Yogyakarta Ombudsman Institution indirectly places the community as a supervisor of public services, will restore how the struggle for the birth of human rights was started, where human rights and their instruments are born out of the battle of society (humans) and the dialogue process at that time.

Local Ombudsman have the same functions. However, they do their jobs in a specific city or region. They defend civil rights and try to offer solutions for mischief in local governments. Besides, they put forward their offers for the improvement of local administration. Shortly Local Ombudsman have a limited scope of responsibilities and authorities as they operate in a defined region. The administrative processes have distinguishing features, and selected figures participate in decision-making, making the Ombudsman's inspection different. Local ombudsmen watch out for the fair implementation of decisions taken by local councils and try to enhance the quality of decisions and administration. They keep an eye on legal processes.⁵⁴

The Ombudsman institution continues to develop because human rights issues in the public service process are also increasingly complex, so policies in determining how the Ombudsman works greatly influence the level of achievement of the Institution. At least the Ombudsman Institute can consider several factors, such as self-awareness and self-perception of the Ombudsman may be more critical factors. The Ombudsman can provide a broader understanding of empowering laws and incorporate preferences regarding protecting human rights into the public service system. In addition, it can also limit the possibility of interpretation and shape the Ombudsman's internal thinking on the priority of protecting human rights. However, institutional factors such as the human rights situation in the jurisdiction, the historical, political, constitutional, and cultural environment of the jurisdiction, and the institutional design of the Ombudsman will determine the challenges and success of the outcome. However, this does not mean that the Ombudsman's policies (for

⁵³ Casey M. White and others, 'The Bridging Role of Non-Governmental Organizations in the Planning, Adoption, and Management of the Marine Protected Area Network in Raja Ampat, Indonesia', *Marine Policy*, 141 (2022), 105095 <https://doi.org/10.1016/j.marpol.2022.105095>

⁵⁴ Mhd. Taufiqurrahman and Muhammad Dias Saktiawan, 'Supervision Of Local People's Representative Boards In Clean Local Governance Governance', *Jurnal Pembaharuan Hukum*, 9.2 (2022), 334 <https://doi.org/10.26532/jph.v9i2.26618>

example, in a regional representative office) do not affect the scope and effectiveness of human rights protection in the public service system.⁵⁵

Besides, the capacity of the ombudsman to handle complaints and make changes to the bureaucracy and human rights protection is not only interpreted as the internal capacity of the institution. However, the system of ideas and the social system also influence the success of the ombudsman institution. The supervision paradigm becomes urgent to determine the output or results of supervision. The oversight model for period three, Yogyakarta Ombudsman Institution, does not determine the institution's output in dealing with complaints but instead provides a limit for institutional actors in making future decisions and actions. This approach overcomes the logic of appropriateness (sociological) and consequent logic (rational choice), which is then defined as the choice within constrain in the patterns that repeat in cases handled by the Yogyakarta Ombudsman. The supervisory control pattern will be ideal if a policy process always involves the citizen (community) in each process. The community participates in a transparent policy and oversees its implementation.

For example, Yogyakarta Regional Regulation No. 4 of 2012 concerning the Protection and Fulfillment of the Rights of Persons with Disabilities involves many elements of society, from academics, various organizations and groups of people with disabilities, NGOs, and supervisory institutions. This oversight model is a concept of citizenship, meaning a membership that shows the relationship or bond between the state and its citizens. The idea of citizenship is contextual, indicating that this concept is not sterile to changes occurring in the region's society and government.

Bryan S. Turner in *Citizenship and Social Theory* (1993) states that citizenship is a set of practices or actions that include judicial, political, economic, and cultural practices which can determine someone as a competent member of society as a consequence of shaping the flow of resources to people and groups - social groups. The concept of citizenship is a set of legal, political, economic, and cultural actions citizens can do as community members. Citizenship is a person's membership in controlling a particular political unit with which he brings the right to participate in political/ public policy activities. According to the social contract theory, citizenship status affects rights and obligations. In the philosophy of "active citizenship," a citizen must contribute his ability to improve the community through economic participation, human rights protection, voluntary work, and various similar activities to improve the livelihoods of his community.⁵⁶

⁵⁵ Hadi Prabowo, 'Regional Autonomy Oversight Models in Denmark and Zimbabwe and Alternative Regional Autonomy Oversight Model in Indonesia', *Jurnal Bina Praja*, 12.1 (2020), 64-74 <https://doi.org/10.21787/jbp.12.2020.64-74>

⁵⁶ Khudzaifah Dimiyati and others, 'Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis', *Heliyon*, 7.8 (2021), e07865 <https://doi.org/10.1016/J.HELIYON.2021.E07865>

Citizens are prioritized in the existence of a human rights protection standard as regulated in the law on human rights protection. The product of the policy must follow the laws and regulations. The purpose, scope, or form of activities, financing, and rules, including control mechanisms, must be clear. More important than that are the parties who are the actors are made promises of service or citizen charter. Therefore citizens' access and control for complaints must be handled professionally. It is a proof of the principle of acceptance and recognition of human rights in the practice of democratic governance.⁵⁷ The pattern of supervision built in period three accentuates the paradigm of synergy between institutions and has been effective. However, one thing needs to be underlined: the pattern of synergy with government oversight institutions has not run optimally. In this context, period three Yogyakarta Ombudsman Institution maintains the independence of the regional ombudsman. However, the regional ombudsman at least overcomes the weaknesses of the supervision system within the government bureaucracy and also builds a participatory monitoring mechanism. It is where the urgency of the supervisory institution to realize governance that applies the principles of good governance.

Thus, in addition to improving policies in determining the performance characteristics of ombudsman institutions that are concerned with protecting human rights, outside factors of community participation are also crucial. The synergy pattern of future supervision in citizenship requires synergy between internal and external supervisory institutions so that human rights protection can run optimally. Synergy is not only limited to civil society groups but also penetrates the boundaries between supervisory institutions so that synergy can open communication spaces that build more open and responsible relations.

4. Conclusion

The monitoring pattern for human rights protection carried out by the Yogyakarta Ombudsman Institute in realizing good governance uses a synergy pattern between parliamentary oversight, the social audit system, and technological facilities. The effectiveness and success of the Yogyakarta Ombudsman Institute's good role in enforcing human rights protection to realize good governance in Yogyakarta are determined when it synergizes with legislative bodies and NGOs and the intensity of the Yogyakarta Ombudsman institution's involvement in the problem-solving process. The ideal human rights protection paradigm in realizing good governance in the future is the concept of citizenship, where the idea is contextual in society and government, a transformation of oversight of public management into public governance. Based on protecting human rights, which is a mandate of international law, every country must adopt or ratify the UDHR and various human rights conventions as national law or contained in national law. Furthermore, as the state's responsibility, the state can

⁵⁷ Budi and others.

implement ways to protect human rights for each of its citizens, among others, by establishing an ombudsman and applying the concept of citizenship. Meanwhile, in China, until now, they are still trying to deal with human rights issues that have received international attention. Beijing itself still gets a lot of notes regarding the orientation of human rights protection in governance. It is hoped that bureaucratic reform that transforms the Institution that oversees The National Public Complaints and Proposals Administration can support the effectiveness of protecting human rights in public services in China. Moreover, China has an institutional ombudsman model that emphasizes safeguarding human rights.

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