

ABSTRAK

Andi Anas Chaerul M. Penerapan Ajudikasi Khusus oleh Ombudsman Republik Indonesia Terhadap Penyelenggara Negara yang Maladministrasi (dibimbing oleh Hamza Baharuddin dan Hasan kadir).

Penelitian ini dilakukan dengan tujuan untuk (1) Untuk mengetahui dan menganalisis tata cara penerapan Ajudikasi Khusus oleh Ombudsman Republik Indonesia terhadap penyelenggara negara yang maladministrasi; (2) Untuk mengetahui dan menganalisis faktor-faktor yang mempengaruhi mengapa Ajudikasi Khusus belum diterapkan oleh Ombudsman Republik Indonesia hingga saat ini.

Adapun metode penelitian yang digunakan oleh peneliti adalah penelitian normatif yaitu metode penelitian dengan pendekatan undang-undang (*statute approach*) dan pendekatan konseptual (*conceptual approach*) dengan menggunakan data sekunder yang terdiri atas norma hukum, peraturan perundang-undangan serta buku-buku yang berkaitan dengan judul. Data dianalisis dengan menggunakan metode content analysis.

Hasil penelitian ini menunjukkan bahwa: (1) peraturan terkait pelaksanaan mekanisme ganti kerugian kepada penyelenggara negara/pelaksana pelayanan publik yang melakukan maladministrasi belum ada hingga saat ini, (2) mekanisme pembebanan ganti kerugian yang masih perlu dikaji secara komprehensif, (3) sumber daya manusia serta sarana dan prasarana khususnya di perwakilan belum memadai untuk melakukan persidangan Ajudikasi Khusus.

ABSTRACT

Andi Anas Chaerul M. The Application of Special Adjudication by Indonesian Ombudsman to the Maladministration State Officials (supervised by Hamza Baharuddin and Hasan Kadir). The problems examined in this thesis is about how the application of Special Adjudication by the Indonesian Ombudsman to the maladministration State Officials and the factors that affect the application of Special Adjudication by Indonesian Ombudsman to the maladministration State Officials.

The research method used by researcher is Normative Research, which is the statute approach and conceptual approach using secondary data consisting of legal norms, laws and regulations, and books related to the title. Data were analyzed by using content analysis method.

The results of this study is (1) regulations relating to the implementation of compensation mechanisms to State Officials/Implementers of Public Services who carry out maladministration do not yet exist; (2) the mechanism for compensation still needs to be studied comprehensively; (3) human resources along with facilities and infrastructure, especially in the Representative Office, have not been sufficient to conduct the Special Adjudication trials, so that the Application of Special Adjudication by Indonesian Ombudsman to the maladministration State Officials is not effective.

The application of Special Adjudication requires the role of lawmaker (legislative) as the supervisor to do evaluation and to encourage those who do not obey the orders mandated by the law to carry out the order so that the law can be applied effectively. The law maker in the process of forming and granting authority in an institution or a government can objectively see the enforcement and periodically supervise the granting of that authority and lawmakers in each draft legislation that will be formed considering the enactment of law from philosophical aspects, juridical aspects, sociological aspects, political aspects, and administrative aspects so that the enforcement of legal norms can be implemented.