

Legal Framework for Inclusive Digital Transformation: Ombudsman Role in Ensuring Citizens Rights

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Abstract

Digital transformation in public service delivery has become a central pillar of Indonesia's national bureaucratic reform, promoting efficiency, transparency, and accountability. However, the acceleration of digitalization has not been adequately accompanied by legal instruments that explicitly uphold the principle of inclusivity, resulting in potential digital exclusion of vulnerable groups, including remote communities, the elderly, and persons with disabilities. This study identifies a legal vacuum regarding the absence of a clear, operational, and enforceable regulatory framework that mandates public service providers to guarantee digital accessibility and establish robust accountability mechanisms in the event of rights violations. Employing a normative juridical method, the research adopts statutory and conceptual approaches, and applies systematic and teleological interpretations of relevant legal norms—primarily Law No. 25/2009 on Public Services and Law No. 37/2008 on the Indonesian Ombudsman. The analysis reveals the strategic oversight function of the Ombudsman in protecting citizens' rights within digital public service ecosystems through: (1) handling and investigating reports of maladministration involving electronic-based systems; (2) initiating investigations into discriminatory practices or restrictions on digital access; and (3) issuing corrective recommendations to public service providers utilizing technology in a manner that undermines the principle of equality. The study concludes with a call for the reformulation of a binding legal framework to ensure that digital transformation in public services is conducted fairly and inclusively. Furthermore, it underscores the need to strengthen the institutional capacity and mandate of the Ombudsman as an independent supervisory authority within the national digital governance architecture.

Keywords: *Legal Framework, Digital Transformation, Ombudsman, Protection of Citizens' Rights.*

INTRODUCTION

Digital transformation has become a critical component of modern governance at both global and national levels. Many countries are actively promoting the adoption of digital technologies in public service delivery to enhance efficiency, transparency, and accountability. International commitments, particularly the Sustainable Development Goals (SDGs)—notably Goal 9 (industry, innovation, and infrastructure) and Goal 16 (peace, justice, and strong institutions)—further emphasize the importance of inclusive digital transformation. In Indonesia, this agenda is positioned as a national priority through the Medium-Term National Development Plan (RPJMN), the Electronic-Based Government System (SPBE), and legal instruments such as the Law on Electronic Information and Transactions (ITE Law). However, implementation on the ground reveals that digitalization does not yet fully ensure the principle of inclusivity. This is underscored by findings indicating that low levels of digital literacy among segments of the Indonesian population hinder meaningful citizen participation in digital governance and weaken

the overall effectiveness of technology-based public service delivery [1]. When citizens lack adequate digital skills, online-based services can, in fact, create new barriers to the fulfillment of their constitutional rights. From the author's perspective, rapid digitalization without a comprehensive digital literacy strategy risks widening the gap of inequality. This concern aligns with findings from various studies, which demonstrate that access to technology does not automatically translate into its productive use.

The phenomenon of the digital divide persists across regions, age groups, socio-economic conditions, and among persons with disabilities. Access to digital public services is often hindered by limitations in infrastructure, low levels of digital literacy, and barriers related to language and technology. In particular, inadequate digital literacy especially in the area of digital security significantly undermines the public's ability to access digital services, even when the necessary technology is physically available [2]. In the context of the pandemic, it has been shown that the expansion of internet access is not always accompanied by improved digital competence; motivation and productive use remain the key distinguishing factors [3]. Moreover, low-income groups who are not connected through digital social networks tend to experience double marginalization within technology-based public service systems. To address this challenge, social inclusion in digital public services can be enhanced through public-private partnerships, digital literacy programs, and the integration of technologies such as AI, blockchain, and cloud computing [4].

In this context, the existence of external state oversight institutions such as the Ombudsman of the Republic of Indonesia becomes highly significant. As an institution authorized to supervise the administration of public services and receive reports of maladministration, the Ombudsman holds a strategic position in ensuring that digital public services continue to uphold citizens' rights. However, to what extent has the Ombudsman's institutional framework transformed to adapt its operational system to the digital era? This question remains insufficiently addressed in both academic literature and public policy discourse. In fact, the Ombudsman can also perform advocacy and mediation functions, as well as provide corrective recommendations regarding disparities in access within technology-based service systems. This paper also focuses on the relationship between law, the Ombudsman's institutional framework, and the principles of digital justice. Specifically, it examines how inclusive digital transformation is viewed from the perspectives of public service law and citizens' rights, as well as the role of the Ombudsman institution in guaranteeing accessibility and protecting citizens' digital rights.

METHOD

This study adopts a normative juridical approach, a legal research method that relies on the examination of primary and secondary legal materials to understand the prevailing norms and their application within the context of digital transformation in public services. This approach is considered relevant as it allows for a systematic and conceptual analysis of the substance of norms to formulate an inclusive and adaptive legal framework responsive to developments in digital technology [5]. The data sources utilized in this study consist of three categories. First, primary legal materials in the form of national legislation, including Law Number 25 of 2009 concerning Public Services, Law Number 37 of 2008 regarding the Ombudsman of the Republic of Indonesia, and Law No. 1 of 2024, which is the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions (ITE). Second, secondary legal materials comprising scholarly

literature such as journals, textbooks, and e-books relevant to digital law issues and the protection of citizens' rights. Third, additional secondary data including policy documents, institutional reports, or sources from official media, which are used to a limited extent.

The data collection technique was conducted through library research, which involves reviewing literature relevant to the research theme, both conceptual and empirical, within the realms of public administrative law and digital transformation. In legal research, literature review serves as the primary method because it allows for the exploration of legal systems, normative logic, as well as gaps or legal vacuums that can be addressed through scholarly formulation [6]. All collected data were subsequently analyzed using three main techniques: systematic analysis, to examine the legal structure and the interrelationships among norms; teleological analysis, to interpret the objectives and meaning behind the establishment of legal norms within the framework of digital justice; and conceptual analysis, to develop legal constructs that support the strengthening of the Ombudsman's role in overseeing the digital transformation of public services [7]. This normative approach not only explains legal norms in a formal manner but also enables the reformulation of norms that have yet to respond adequately to the development of digital public service systems. Normative research also contributes to advancing policy recommendations that are legally valid and substantively grounded [8].

RESULTS AND DISCUSSION

Inclusive Digital Transformation from the Perspective of Public Service Law and Citizens' Rights

Digital transformation in public services ideally should not only address demands for efficiency and modernization but also ensure the rights of all citizens to obtain equal and non-discriminatory services. The principle of inclusivity in the digital context means that access to public services must be available to all citizens regardless of geographical location, socio-economic status, age, or disability [9]. Under Indonesian positive law, although Article 3 of Law No. 25 of 2009 guarantees the principles of fairness and non-discrimination in public services, there is yet no explicit regulation regarding how these principles should be implemented in the digital domain. The availability of technological infrastructure, digital literacy, disability accommodations, and culturally inclusive language are key indicators of digital accessibility. Digital transformation that fails to consider these factors risks deepening access disparities and exacerbating digital exclusion, ultimately undermining the fundamental right to equitable public services. Inclusive digital transformation has become a strategic agenda widely adopted by countries worldwide as a response to technological advancements and the demands of modern society [10]. In Indonesia, this policy direction has been reflected in various regulations and government initiatives, ranging from the expansion of digital infrastructure, the provision of online-based public services, to national digital literacy programs [11]. However, according to the author, digital inclusivity is not merely about providing online services but ensuring that every citizen, without exception, can access, understand, and utilize these services equally [12].

There remains a significant gap between the vision of inclusivity promoted in policy documents and its implementation on the ground. Although the government has encouraged internet network penetration even to the most remote regions, the quality of connectivity, affordability of services, and availability of devices continue to pose major challenges for certain segments of society, particularly those residing in the 3 areas (underdeveloped, frontier, outermost

regions). This indicates that inclusive strategies require a more comprehensive approach, focusing not only on the provision of physical infrastructure but also on the social and cultural dimensions that influence technology adoption. [7]. Experiences from other countries can serve as important references. For instance, Canada integrates digital literacy programs with device subsidy schemes for low-income families, while Singapore implements the Assistive Technology Fund to support persons with disabilities in independently accessing digital services. The author argues that Indonesia can adopt similar approaches tailored to the local context, such as internet subsidy programs for students and SMEs in remote areas or the development of public applications that adhere to universal design principles [13].

Furthermore, the success of inclusive digital transformation must be measured through three main dimensions: (1) availability of physical and technological access, (2) equitable distribution of digital skills and literacy, and (3) protection of citizens' digital rights [6]. Without these three dimensions, digitalization risks widening social disparities, creating a "digitally marginalized" group that finds it increasingly difficult to connect with state services. For example, online healthcare applications will fail to reach communities that lack devices or do not possess the necessary skills to use them [10]. Therefore, from the author's perspective, active public participation in the formulation of inclusive digital policies is crucial. Involving local communities, civil society organizations, and vulnerable groups from the planning stage will ensure that the resulting policies are genuinely responsive to real needs on the ground. Furthermore, the author believes that integrating universal design principles into all public digital policies and platforms will serve as a fundamental foundation to guarantee the sustainability of inclusivity, while also preventing the marginalization of certain groups amid the accelerated digital transformation [12].

The digital divide remains a major obstacle to achieving digital inclusion in Indonesia. This disparity is not only geographic, between urban and underdeveloped areas, but also relates to age, gender, education, and disability. Data from the Ministry of Communication and Information Technology in 2023 indicates that the national digital literacy index is still at a moderate level, and many regions in Eastern Indonesia remain underserved by adequate network infrastructure. National surveys show that digital literacy interventions can increase users' skills by up to 72%; however, significant inter-regional disparities persist. The author assesses that this infrastructure gap is not merely a technical issue but also reflects public policy orientations that remain focused on economic growth centers rather than equitable distribution. This divide also impacts the health sector, where digital health services face significant barriers in rural and remote areas, thereby weakening the overall resilience of the healthcare system [10]. Urban areas have experienced rapid growth in access, whereas rural and remote regions still face challenges related to infrastructure, costs, and limited regular technology training. The lack of equitable access prevents vulnerable groups from utilizing digital-based public services such as population administration, healthcare, and education. From a legal perspective, this constitutes a violation of the right to public services as stipulated in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia and Law No. 39 of 1999 concerning Human Rights. The national legal framework has yet to comprehensively regulate the principle of digital accessibility in public services. Law No. 25 of 2009 does not mention the terms "digital services" or "digital accessibility." Law No. 1 of 2024 concerning Electronic Information and Transactions (ITE) focuses primarily on the technical aspects of electronic transactions, while Presidential Regulation

No. 82 of 2023 on the State Electronic System (SPBE) emphasizes governance and system interconnectivity.

On the other hand, Indonesia, through the Open Government Partnership (OGP), has committed to providing digital accessibility guidelines for persons with disabilities; however, their implementation remains voluntary and lacks legal enforceability [14]. The absence of binding norms means that citizens do not have a strong legal basis to demand digital justice. Considering the existing legal and social realities, there is an urgent need to formulate an inclusive digital legal framework encompassing the principles of non-discrimination, universal accessibility, affirmative policies, and public participation in digital system planning [4]. Djatmiko emphasizes the aspect of social inclusion through public-private partnerships and digital literacy, while on the other hand, accelerating fair and inclusive digital transformation is a crucial strategy to anticipate future challenges in the workforce [11]. This framework should ensure that every digital public service:

1. Is accessible to all social groups,
2. Mandates inclusive and disability-friendly system design,
3. Possesses participatory digital-based monitoring and complaint mechanisms.

This approach aligns with international trends emphasizing that digital inclusion is an absolute prerequisite for the sustainability of electronic governance systems [9]. Strategies to enhance digital inclusion in public services are also proposed through participatory and user literacy-based approaches [15]. They emphasize the importance of designing digital systems that are responsive to the needs of vulnerable groups, as well as the direct involvement of disability communities in the design and evaluation processes of technology-based public services. This digital divide further exacerbates the vulnerability of impoverished groups, especially when digital governance is not designed to effectively reach them [12].

The Role of the Ombudsman Institution in Ensuring Accessibility and Protecting Citizens' Digital Rights

The Ombudsman of the Republic of Indonesia is an independent institution legally mandated to oversee the administration of public services based on Law No. 37 of 2008 and Law No. 25 of 2009. Its primary functions include receiving public complaints, investigating maladministration, and providing recommendations to service providers. However, in the digital context, this mandate has not yet been explicitly interpreted as a responsibility to supervise fairness in access to digital services. Digitalization introduces new risks of maladministration, such as systemic discrimination by algorithms, IT system failures causing data loss or access denial, and the provision of services available only in a single language or digital channel [7]. Digitalization without accompanying institutional reform and regulatory evaluation may create new forms of maladministration that remain undetected by traditional oversight systems [13]. For example, citizens may be unable to submit complaints because the digital complaint system is not available in disability-friendly formats or can only be accessed through certain devices. In many cases, persons with disabilities or the elderly are unable to use complex technology-based systems without non-digital alternatives. This situation creates opportunities for violations of the right to public services that the state is obligated to guarantee.

The Ombudsman holds significant potential as an agent of policy change. According to Article 7 of Law No. 37 of 2008, the Ombudsman has the authority to conduct investigations on

its own initiative (own motion investigation) and issue recommendations for system improvements. The author argues that without serious internal institutional reform, including strengthening human resource capacity on digital rights issues, the Ombudsman's role in the era of digital transformation will remain symbolic and lack substantive impact. This role can be expanded to encourage the government to formulate inclusive digital service regulations, including developing technology-based monitoring indicators, involving user communities, and advocating for the rights of vulnerable groups. The Ombudsman institution needs internal improvements to effectively respond to the challenges of the digital era. This requires an inclusive technology-based complaint system, human resources knowledgeable about digital rights, and internal regulatory updates that explicitly incorporate oversight of technology-based public services [6]. Furthermore, the data governance and information security framework within the Ombudsman's working environment needs to be aligned with personal data protection standards. To address these challenges, a new framework must be formulated for the Ombudsman's role as a guardian of digital justice. This strategy includes:

1. The establishment of an inclusive digital transformation division within the institution,
2. The implementation of universal design principles in digital complaint channels,
3. Strengthening collaboration with civil society organizations (CSOs) and disability communities,
4. The publication of a dedicated annual report on the oversight of digital public services.

With this approach, the Ombudsman will not only function as a passive supervisor but also as an active agent in building a fair, transparent, and accessible digital ecosystem for all citizens without exception.

As an external oversight institution with a broad mandate, the Ombudsman not only functions to follow up on reports of maladministration but can also serve as a key driver of policy reform in the digital era. This strategic position should not be viewed merely as a passive supervisory function but rather as an opportunity to lead the transformation toward digital public services that genuinely prioritize the needs of society. The author's experience in observing public service practices indicates that without proactive intervention from institutions like the Ombudsman, digital access gaps will continue to widen and potentially deepen service inequality. In this context, digital transformation presents a significant opportunity for the Ombudsman to expand the scope of oversight, enhance responsiveness, and strengthen transparency in public services. The utilization of big data analytics can assist in early detection of maladministration patterns, for example, through analysis of online complaints or monitoring problematic digital service indicators [7]. A multichannel complaint system encompassing social media, mobile applications, and artificial intelligence-based chatbots can accelerate the verification process of reports and facilitate access for the broader public, including persons with disabilities and residents in remote areas [12]. These innovations, if integrated consistently, have the potential to transform public perception of the Ombudsman from merely a complaint-receiving institution into an active partner in improving services.

However, these opportunities come with significant challenges. First, the human resource capacity within the Ombudsman institution remains uneven in digital skills proficiency, resulting in a slow pace of technological adaptation [6]. Second, data security becomes a crucial issue, considering that public complaints often contain personal information that must be protected in accordance with the Personal Data Protection Law [10]. Third, bureaucratic resistance to changes

in technology-based oversight methods can hinder the optimization of innovations [11]. In the author's view, these obstacles should not be used as reasons to maintain the status quo but rather as catalysts to accelerate institutional reform. The author argues that the reform of the Ombudsman in the digital era must begin with updating internal regulations that explicitly include oversight of digital public services as an official mandate. Furthermore, strategic partnerships with universities, non-governmental organizations, and the private sector can expedite technology and knowledge transfer [13]. Strengthening digital literacy among Ombudsman staff, implementing universal design principles across all complaint channels, and developing strict cybersecurity protocols are key steps to enable the institution to effectively serve as a guardian of digital justice [9]. The author believes that with a targeted strategy and consistent commitment, the Ombudsman can become a national role model in realizing digital public services that are inclusive, secure, and equitable for all citizens.

Furthermore, the author argues that the role of the Ombudsman in the digital era cannot be separated from the broader framework of national regulatory architecture, such as the Public Service Law, the Electronic Information and Transactions Law (ITE Law), and the Presidential Regulation on Electronic-Based Government Systems (SPBE). Without cross-sectoral policy synchronization, strengthening the Ombudsman will remain a partial effort that is unlikely to generate systemic impact. The author emphasizes that institutional reform initiatives must go hand in hand with the modernization of legal instruments, ensuring that every oversight innovation is grounded in a robust legal foundation and binding upon all public service providers. Experiences from countries such as South Korea and Estonia demonstrate that effective oversight of digital public services requires a combination of advanced technology and strong political commitment. According to the author, Indonesia could adopt a similar model by tailoring it to local contexts, taking into account regional diversity, infrastructure disparities, and the population's level of digital literacy. This approach may include the integration of cross-agency complaint data, automated alert systems for potential maladministration, and feedback loop mechanisms that enable citizens to assess the quality of the Ombudsman's follow-up actions in real time.

In addition, the author contends that the success of the Ombudsman in overseeing digital public services will heavily depend on the level of public trust. This trust can only be established through transparency, accountability, and consistent performance. One immediate operational step that can be taken is the publication of a public dashboard containing complaint statistics, types of services monitored, average case resolution times, and user satisfaction ratings. This initiative would not only enhance accountability but also signal a positive commitment by the Ombudsman to open itself to public evaluation. From the author's perspective, the transformation of the Ombudsman is not a short-term project, but a continuous journey requiring multi-year planning. Over the next five years, this strategy can be structured into three key phases: (1) regulatory reform and human resource development focused on digital literacy, (2) full integration of complaint systems and inter-agency big data analytics, and (3) the development of participatory oversight innovations that enable the public to directly engage in monitoring digital public services. The author believes that if these stages are implemented with discipline, the Ombudsman can become a central pillar in realizing digital justice in Indonesia.

CONCLUSION

Digital transformation in public service delivery is a strategic step toward enhancing governmental efficiency, transparency, and accountability. However, without a strong foundation of inclusivity, digitalization risks exacerbating existing inequalities—particularly for vulnerable groups such as the poor, the elderly, persons with disabilities, and residents of remote areas. Infrastructure gaps, low digital literacy, and the absence of a robust legal framework ensuring digital accessibility remain major obstacles to achieving fair and equitable public services. In this context, the Indonesian Ombudsman holds a strategic position as an independent oversight body—not only receiving reports of maladministration, but also acting as a catalyst for policy reform. By leveraging its authority, the Ombudsman can ensure that digital transformation proceeds inclusively through proactive monitoring, policy advocacy, and corrective recommendations grounded in social justice. Therefore, the acceleration of digital transformation must be accompanied by a reformulation of the legal framework that mandates public service providers to guarantee universal accessibility, adopt inclusive design standards, and establish complaint mechanisms that are accessible to all segments of society. Strengthening the institutional capacity of the Ombudsman—in terms of human resources, oversight technology, and internal regulations—is essential for enabling the institution to respond effectively to the challenges of the digital era. With synergy between clear regulation, consistent implementation, and adaptive oversight, digital transformation can serve as a tool for realizing equitable rights, rather than becoming a new source of exclusion.

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