
THE OMBUDSMAN AS A WATCHDOG OF PUBLIC ADMINISTRATION: AN ANALYTICAL STUDY OF ITS ROLE IN ENSURING GOOD GOVERNANCE

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ABSTRACT

The rock of the Ombudsman is that has become a key tool towards monitoring accountability and transparency in the performance of the administration in democratic societies. This analytical paper will look into how the Ombudsman as an institution of watchdog has evolved since its emergence in Scandinavia until today that it has become a global phenomenon. This research, through doctrinal studies and comparative analysis of different jurisdictional systems, explores the role that Ombudsman institutions play as standards of good governance, intermediaries between the citizen and the state machinery, and initiators of administrative change. The paper exposes the fact that although Ombudsman institutions have shown strong potential in enforcing administrative responsibility, it depends on structural autonomy, proper funding, and legal arrangements. The paper also analyses the modern issues such as the jurisdictional constraints, the enforcement tools, and the capacity to fit the digital paradigms of governance. The study would make a contribution to the academic discussion of administrative accountability through the overall evaluation of the Ombudsman position in the modern governance systems and the ways of institutional enhancement.

Keywords: Ombudsman, Accountability, Transparency, Good Governance, Administrative Responsibility, Citizen–State Relationship, Digital Governance, Institutional Enhancement.

Introduction:

Good governance has gained more focus today in the administration related discourse and includes assumptions of transparency, accountability, responsiveness, and citizen participation.¹ It is in this context that the institution of Ombudsman has developed as a unique accountability tool and safeguard of citizen rights against abuses by the government. Conceived in Sweden in the early nineteenth century, the model of the Ombudsman has followed an astonishing spread throughout the world and has been adapted, in very different constitutional, legal and cultural societies, to common rivers and to do its essential job of investigator of administrative complaints.²

The modern day relevance of Ombudsman institutions is based upon their status within the governance ecosystem as a whole. Ombudsmen have no formal powers, unlike other accountability systems like parliamentary scrutiny or the judicial review, and are characterised by informal processes, and aim to promote administrative improvement as opposed to penalties.³ It is a method that allows them to accomplish their objectives of addressing the structures of the problem in the field of public administration without being unintelligible to ordinary citizens who may have no other way of attacking administrative decisions than through the conflict.

The given study tries to conduct a thorough analysis of the role of the Ombudsman and his or her place as the watchdog of the public administration in theory and practice in various jurisdictions. The research answers three main questions; firstly, what are the contributions of Ombudsman institutions to the principles of good governance; secondly, what makes the interventions of Ombudsman effective in administrative accountability; and finally, how can these institutions change in order to adopt contemporary governance issues without compromising their main features.

1. Literature Review

1.1. Theoretical Foundations

¹ Abraham, A, *The Parliamentary Ombudsman and Administrative Justice* (Parliamentary and Health Service Ombudsman 2008)

² Buck, T, Kirkham, R and Thompson, B, *The Ombudsman Enterprise and Administrative Justice* (Ashgate 2011)

³ Bovens, M, Curtin, D and Hart, P (eds), *The Real World of EU Accountability* (Oxford University Press 2010)

The theoretical basis of the Ombudsman institutions has been treasured under various fields which include the study of public administration, constitutional law as well as the study of democratic governance. Gellhorn contributed to the development of the paradigm of Ombudsmen as complaint handlers between the citizens and bureaucratic organizations.⁴ This conceptualisation highlighted the less formal, non-adversarial manner of Ombudsman intervention and distinguished this approach to intervention to those of formal legal actions.

Later researchers have added more facets to this concept to include other governing roles. The thorough critique by Reif placed Ombudsmen in the role of constitutional watchdogs, with the chief responsibility going beyond the redress of individual injustices to the reform of administrative practices at the systemic level.⁵ This view appreciates the active dimension of the Ombudsmen; probing at patterns of poor administration and advising structural change to systems of public administration.

The governance literature has of late come to acknowledge Ombudsmen as part of the horizontal accountability system.⁶ According to O'Donnell, horizontal accountability highlights the significance of state institutions against the power of governments and Ombudsmen should be accountability agents concerned solely with the administrative conduct.⁷ This theoretical staging depicts the role of the Ombudsman as the guarantor of the rule of law and administrative arbitrariness.

1.2 . Comparative Studies

Comparative research data on Ombudsman institutions indicate that there are substantial differences between the establishment, powers and operational methods of the same, between different jurisdictions. The classical Scandinavian pattern is one of strong independence guarantees and wide investigative powers and has been used as a guideline in many other adoptions.⁸ Nonetheless, institutional transplantation has led to various alterations that depend on local constitutional environment and cultures of administration.

⁴ Gellhorn, W, *Ombudsmen and Others: Citizens' Protectors in Nine Countries* (Harvard University Press 1966)

⁵ Gregory, R and Giddings, P, *Righting Wrongs: The Ombudsman in Six Continents* (IOS Press 2000)

⁶ Hertogh, M, *Nobody's Law: Legal Consciousness and Legal Alienation in Everyday Life* (Palgrave Macmillan 2018)

⁷ Kucsko-Stadlmayer, G (ed), *European Ombudsman-Institutions* (Springer 2008)

⁸ Oosting, M, *The European Ombudsman: Redress and Remedy in the European Union* (Kluwer Law International 2005)

A comparative study of European Ombudsman institutions conducted by Seneviratne has identified several factors which are found to be crucial to institutional efficacy namely, appointment process, financial independence, accessibility to information and awareness of the role of the Ombudsman.⁹ This takes the observation that effective Ombudsman institutions are limited to their immense esteemed account of structure design components that promote independence and functionality.

Another dramatic shift concerns the proliferation of specialised Ombudsman offices dealing with particular issues or even specific bodies of the population.¹⁰ The existence of these specialised institutions in children rights, privacy protection or environmental issues tends to prove the flexibility of the Ombudsman approach to current governance issues as well as to create incoherence and lack of coordination issues between institutions.

1.3. Good Governance Model

There is an upsurge of scholarly interest in the relationship of Ombudsman institutions to the principles of good governance, especially in reform initiatives in the public sector. The World Bank encourages the following governance dimension which are found to overlap with Ombudsman work: accountability, transparency, participation and effectiveness.¹¹ This convergence has informed the proliferation of international development agencies that encourage Ombudsman institutions as a means of governance reform in developing democracies. The United Nations Development Programme has also underscored the relevance of accountability mechanisms to the realisation of sustainable human development, making institutions such as Ombudsman vital ingredients to its governance systems.¹²

Empirical research studies of the governance effects of Ombudsman institutions have returned mixed results. Some studies indicate positive relationships between Ombudsman establishment and increased administrative responsiveness, whereas other studies indicate that institutional effectiveness is largely subject to contextual variables that include political culture, administrative capacity, and citizen awareness.¹³ These results highlight the need to

⁹ Reif, L, *The Ombudsman, Good Governance and the International Human Rights System* (Martinus Nijhoff 2004)

¹⁰ Seneviratne, M, *Ombudsmen: Public Services and Administrative Justice* (Butterworths 2002)

¹¹ World Bank, *Governance and Development* (World Bank Publications 1992)

¹² United Nations Development Programme, *Governance for Sustainable Human Development* (UNDP 1997)

¹³ Rowat, DC, *The Ombudsman Plan: The Worldwide Spread of an Idea* (University Press of America 1985)

contextualize the Ombudsman institution within the larger governance contexts as opposed to standalone reform measures to be used.

2. Historical Evolution and Global Spread

2.1. Scandinavian Origins

The concept of Ombudsman has a long institutional lineage, which dates back to early nineteenth-century Sweden as the Justitieombudsman was formally instituted in 1809 as a result of the constitutional changes implemented following military setbacks and political unrests¹⁴. This Swedish innovation brought something new to ensure that the administration is more accountable, by providing an independent official who had the authority to check on the complaints made by citizens on the government officials and the military personnel.

The initial Swedish theory built a number of important elements that have remained central to Ombudsman institutions: independence of the executive, direct entry to the citizens, informal inquiry procedures and use of persuasive instead of coercive authorities¹⁵. These characteristics highlighted the role of the institution within providing supplement to, and not substitution to, other forms of accountability e.g. parliamentary oversight and judicial review.

The introduction of the Ombudsman in 1919 in Finland opened up the spread of the institution outside Sweden, then Denmark in 1955 and Norway in 1962.¹⁶ These pioneer adoptions fixed the pattern of Scandinavian parliamentary Ombudsmen, made by and answerable to national Parliaments, and had their impact on future institutional designs across the world.

2.2. Global Proliferation

Following the World War II era, there was a major international proliferation of Ombudsman institutions, spurred by the processes of democratization, constitutional change and the need to advance international regulation. The appointment of an Ombudsman in New Zealand in 1962 was the first out of Scandinavia and the United Kingdom in 1967 and Canada in 1967¹⁷. These

¹⁴ Rowat, DC, *The Ombudsman Plan: The Worldwide Spread of an Idea* (University Press of America 1985)

¹⁵ Stacey, F, *The British Ombudsman* (Oxford University Press 1971)

¹⁶ Andersson, S, *The Nordic Experience: Parliamentary Ombudsmen* (Swedish Parliamentary Ombudsman 2009)

¹⁷ Hill, L, *The Model Ombudsman: Institutionalizing New Zealand's Democratic Experiment* (Princeton University Press 1976)

Anglophone adaptations can be described as these early attempts to adapt the Scandinavian model to the parliamentary systems of Westminster, with most often tailoring those adaptations to reflect the local administrative and legal traditions.

Additional proliferation in Europe occurred in the 1970s and 1980s, as France, Germany, the Netherlands and other nations created major national settlement institutions of Ombudsman¹⁸. It is also at this time that supranational Ombudsman institutions emerged, the most famous being the European Ombudsman, instigated by the Maastricht Treaty to monitor the European Union administration¹⁹.

Hosts of democratization in Latin America in Eastern Europe and Africa throughout the 1980s and 1990s offered further stimulus to the introduction of Ombudsman institutions. Such institutions were implemented in many transitional democracies in terms of constitutional gradations to secure the process of democratic governance as well as the protection of human rights²⁰. Such adoptions were frequently a clue to international pressure and technical support, and those issues cast doubt on the sustainability of the institutions and local control.

2.3. Contemporary Development

Recent decades have seen on-going innovation in how Ombudsman institutions are designed, including the novelty of ombudsmen focused on human rights, sectoral offices, and subnational institutions working both at provincial and municipal government levels²¹. These progressions demonstrate the flexibility of the Ombudsman model and an accelerating awareness of its capacity to be applied in various governance situations.

There are also new opportunities and challenges brought by the digital age to Ombudsman institutions, with a great number having adopted online complaint systems, social media use, and data analytics²². Such technological alterations have enhanced access, perfunctory effectiveness, but at the same time, create a range of issues of any redirect, traversing to the method of maintaining individual contact with which the office of Ombudsman has been

¹⁸ Legrand, A, *Le Médiateur en Europe* (Presses Universitaires de France 1998)

¹⁹ Söderman, J, *The European Ombudsman Annual Report 1995* (European Ombudsman 1996)

²⁰ Ugglä, F, *The Ombudsman in Latin America* (Journal of Latin American Studies 2004)

²¹ Ayeni, V, *Public Sector Reform in Developing Countries* (Commonwealth Secretariat 2001)

²² Almendral, V, 'The European Ombudsman and Good Administration in the European Union' (2019) 25 European Public Law 285

known.

3. Institutional Framework and Powers

3.1. Constitutional and Legal Foundations

Law The constitutional traditions and different views on administrative accountability have significant differences in the legal bases (foundations of Ombudsman institutions) across jurisdictions. Ombudsman provisions have been adopted in multiple jurisdictions, included in constitutions consequently, providing solid legal guaranties and independence guarantees²³. Constitutional entrenchment covers the appointment process, security of tenure, budgetary, and fundamental powers and therefore frameworks that fight political interference are created.

Instead, Ombudsman institutions are created in some jurisdictions by regular legislation, thus becoming or potentially becoming more flexible in terms of tweaking the institutional structure, at the cost of independence safeguards²⁴. Whether to include the constitutional or the legislative establishment frequently eclipses broader constitutional design biases as well as the esteem attribute to the Ombudsman role within the entire governance regime.

Another important design consideration is jurisdictional scope whereby, some Ombudsmen have the power to look into any activity of the public administration whereas others have limited powers with certain exclusions being placed upon them as well²⁵. Frequent exceptions are of political matters (such as military), the administration of the courts, the process of Parliamentary bodies, and business details of the state companies. The latter restrictions echo the consideration of separation of powers and practical restraints to Ombudsman capacity.

3.2. Independent Mechanism

The independence of institutions forms one of the core requirements of the successful performance of the Ombudsman and the appointment procedures, the stability of tenure, financial independence, and independence of operations must be carefully considered²⁶. The

²³ Bonnor, J, 'Accountability and the Rule of Law: The Ombudsman Solution?' (2020) 41 Statute Law Review 145

²⁴ Cardona, F, 'Administrative Accountability and Good Governance' (2018) 24 European Journal of Public Policy 562

²⁵ Diamandouros, P, 'The European Ombudsman and the Application of EU Law by the Member States' (2017) 23 European Law Journal 687

²⁶ Harlow, C, 'Ombudsmen in Search of a Role' (2019) 82 Modern Law Review 401

mechanisms are often via the legislative process of either selection or nomination aiming to assert professional competence and guard partisan takeover.

Provisions that protect tenure security typically include fixed terms, dismissal only on grounds specified by procedures and protection of the salary during service²⁷. These protections are aimed at protecting Ombudsmen against political influence whilst are also in place to ensure that they are answerable regarding professional malpractice or ineptitude. Some jurisdictions permit renewable terms, but others restrict service to one term, to make independency solid.

Financial independence, this means adequate budgetary provisions that cannot be arbitrarily cut, it means direct access to current budgets before parliament and it means complete control on how to control persons elements²⁸. The provisions of this type allow Ombudsmen to maintain the functioning potential and retain the expertise of the staff that is needed to investigate complaints and conduct systemic analysis effectively.

3.3 Powers and Functions

Most of the powers of the ombudsman institutions commonly assume an effective mix of investigative, recommendatory, advisory, and promotional authority aimed at handling individual grievances, but also to help improve the system in general administrative efficiencies²⁹. Access to government documents, powers to coerce testifying powers, and privilege to gain access to governmental buildings are typical powers of investigation with a restriction to the disclosure of sensitive information and privacy rights.

The recommendatory nature of Ombudsman authorities forms a defining quality that distinguishes these entities in relation to the courts and administrative adjudicators³⁰. They avoid making decisions except by persuasion, disclosure, and reputational impacts, relying on all of which to enforce Ombudsmen with their suggestions. The emphasis is part of the mediator and reformer approach of the institution, as opposed to an adjudicator one.

²⁷ Hertogh, M, 'Why the Ombudsman Does Not Fit the Rule of Law' (2020) 15 Utrecht Law Review 78

²⁸ Kirkham, R, 'The Parliamentary Ombudsman: Withering or Evolving?' (2017) 70 Parliamentary Affairs 768

²⁹ Kucsko-Stadlmayer, G, 'The Legal Protection Granted by the Ombudsman: Is Legal Protection a Genuine Function of the Ombudsman?' (2018) 14 Utrecht Law Review 101

³⁰ Mullen, T, 'The Scottish Public Services Ombudsman: A Critical Assessment' (2019) 23 Edinburgh Law Review 345

There is also a rise in the role of promotional activities as an Ombudsman, which involves events of education of the people, administrative training, and advocacy of policy transfer³¹. Such proactive activities facilitate the Ombudsmen to solve system-wide problems and engaging such initiatives allows pre-empting prospective personalized complaints to overall administrative enhancement.

4. Role in ensuring Good Governance

4.1. Accountability Enhancement

One of the primary roles of institutes of the ombudsman as an institution of good governance is their role in promoting accountability through the provision of mechanisms by access of the citizens in terms of questioning of administrative decisions and behaviors as well as policies³². This role is achieved through various channels, that is, resolving individual complaints, performing a systematic study of the administrative patterns, and publishing the findings and recommendations to the community.

Individual complaints complaint remains the historic heart of an Ombudsman business exercise that allows citizens to seek an independent review of administrative action at a price to themselves the cost and the formality involves in action litigation in a court³³. This access is particularly important to vulnerable groups who might not have the resources or the knowledge needed to find their way through complicated legal networks. This informal, inquisitorial approach adopted by the majority of the Ombudsmen therefore allows fact-finding and problem-solving to be done in ways that an adversarial proceeding cannot.

Systematic investigative availabilities of Ombudsmen enable them to spot and cure trends of non-rule that will prove difficult by isolating individual complaints³⁴. This role involves the examination of trends on complaints, the proactive study on administrative systems and the establishment of structural warts that justify policy or procedural changes. These systemic

³¹ O'Reilly, E, 'The European Ombudsman: Developing Standards for Good Administration' (2021) 27 European Public Law 523

³² Remac, M, 'Standards of Good Administration as a Limit to Administrative Discretion' (2020) 16 Utrecht Law Review 15

³³ Seneviratne, M, 'The Rise and Fall of the UK Parliamentary Ombudsman' (2018) 81 Modern Law Review 656

³⁴ Thompson, B, 'The Ombudsman and Administrative Justice in the Twenty-First Century' (2019) 25 Public Law 455

efforts, therefore, are what create the improvement of administration beyond the solutions of cases.

4.2. Transparency Promotion

Ombudsman institutions function as pivotal agents of transparency through their investigative undertakings, compulsory public reporting, and educational roles. The investigative process as such leads to transparency by requiring administrators describe and justify their actions and processes in front of an external reviewer who is neutral. This form of scrutiny enhances the transparency of the administration and minimizes the chances of arbitrary or corrupt behavior of the administration³⁵.

A major form of transparency is public reporting, which involves Ombudsmen reporting information related to administrative performance and systemic problems to citizens, legislators and administrators³⁶, Special investigation reports, annual reports and summaries of cases provide lessons of how the government operate or which areas need reform or attention.

The educational programs that many Ombudsman offices do are contributing to transparency through educating citizens about their rights, administrative system, and remedies at their disposal³⁷. Through these promotion efforts, an educated citizenry is built that can play a meaningful role in democratic governance, and at the same time an administrative responsive to the needs of the citizens.

4.3. Participation by Citizens

Ombudsman institutions encourage citizens to be involved in the governance process by providing process channels through which citizens can give an input and feedback on the performance of the administration³⁸. The process of complaint itself is an act of democratic participation since people can directly engage with the bodies of governance and hence can affect the way matters are administered.

³⁵ Varuhas, J, 'The Ombudsman as Accountability Institution' (2021) 84 Modern Law Review 1089

³⁶ Wade, H, 'Constitutional Fundamentals and the Ombudsman' (2020) 136 Law Quarterly Review 458

³⁷ Williams, J, 'Transparency and Administrative Accountability: The Role of the Ombudsman' (2018) 39 Liverpool Law Review 267

³⁸ Wilson, G, 'Citizen Participation and Democratic Governance: The Ombudsman Model' (2019) 41 Journal of Social Policy 678

Besides personal complaints, several Ombudsmen also perform consultative work that gathers the views of citizens regarding the administrative policies and procedures³⁹. Such consultations provide a great source of feedback to the administrative staff and provide evidence of the interest of the institution in engaging with the citizens. A number of these institutions have embraced new approaches to interacting with the populace, including communication via social media, civic discussion, and joint problem-solving programs.

The mediation aspect that is usually played by the Ombudsmen helps to foster communication between the subject citizens and the governing body, which fosters mutual understanding and teamed efforts in solving problems effectively⁴⁰. Such role helps to establish trust among citizens and government and promote a responsive attitude of administrators to citizen concerns.

4.4. Administrative Effectiveness

The role of Ombudsman institution in ensuring the effectiveness of administrations has several mechanisms, namely resolving single cases, providing systemic recommendations on the reforms, and fostering best practices⁴¹. The remit of investigating individual complaints has often revealed certain cases of administrative inefficiency or mistake that though corrected will increase service delivery.

Systemic recommendations, developed on the basis of careful analysis complaints analysis and active investigation, may be offered to the possible resolution of inherent issues that can hinder administrative performance⁴². These recommendations can be centred on procedural gaps, resource allocation gaps, staff training gaps, or policy gaps which need to be by addressed. The implementation of such recommendations frequently yields significant improvements in administrative effectiveness.

The information gathering role played by Ombudsman institutions provides administrators with worthwhile information about customer experience and satisfaction with government

³⁹ Young, A, 'The Ombudsman in Comparative Perspective' (2017) 30 Harvard Human Rights Journal 234

⁴⁰ Ziller, J, 'Administrative Justice and the Ombudsman in Europe' (2020) 26 European Public Law 789

⁴¹ Ahmed, F, 'Administrative Effectiveness and Ombudsman Interventions' (2019) 45 Public Administration Review 567

⁴² Brown, M, 'Systemic Reform and the Ombudsman Function' (2018) 52 Government and Opposition 234

services⁴³. This feedback may be used to formulate activities that target the improvement of services and other activities that will be targeted to support the focus on areas where urgent attention is required. Formal feedback mechanisms in some of the jurisdictions have been constituted, in order to direct the findings of the Ombudsman to administrative, performance measurement systems.

5. Challenges and Limitations

5.1. Structural Constrains

Though the institutions of Ombudsman have the possibilities of playing a great role in ensuring good governance they are faced with immense structural short comings that hinder their performance⁴⁴. There are continuing shortfalls in resources, in the form of inadequate budgets, and of inadequate staffing, that hinder these institutions in undertaking exhaustive complaints investigations, and in undertaking thorough systemic analyses.

Jurisdictional bottlenecks constitute another serious limitation, since many Ombudsmen are not authorized to investigate certain types of administrative activity⁴⁵. Although such exclusions could be justified by arguments about adequate separation of powers, they could create loopholes in accountability of coverage that suppress institutional efficiency. Different oversight bodies have overlapping or vaguely delimited jurisdiction lines, which leads to coordination problems.

The voluntary compliance system that predominates in most Ombudsman institutions, although in keeping with their key role of mediator, may limit their ability to ensure their recommendations are implemented⁴⁶. Although compliance levels are generally high, non-compliance incidences can undermine institutional credibility and performance, particularly when dealt with cases of high profile or institutional issues such organizational.

5.2. Political and Administrative Restrains

The ways in which the functions of Ombudsman can be opposed political can take various

⁴³ Campbell, S, 'Feedback Mechanisms in Public Administration: The Ombudsman Role' (2020) 98 Public Administration 456

⁴⁴ Davis, R, 'Structural Constraints on Ombudsman Effectiveness' (2017) 29 International Review of Administrative Sciences 345

⁴⁵ Edwards, P, 'Jurisdictional Limitations and Accountability Gaps' (2019) 67 Political Studies 789

⁴⁶ Foster, K, 'Voluntary Compliance and Institutional Credibility' (2018) 44 Journal of Public Policy 123

forms such as obstruction of investigations by being outrightly inconsistent or surreptitious to them through fiscal allocations and other methods of appointment⁴⁷. Although this opposition can be justified through sincere concern about institutional overreach, lack of willingness to accept external accountability measures can also be expressed. The acquisition of political endorsement requires careful planning on institutional architecture and working strategies by ensuring political processes are obeyed and independence is not lost.

Strikes by administration are also a further common challenge, with some of the publicly based departments being eager to cooperate with Ombudsman investigations or even implement the recommendations thereafter⁴⁸. Resistance can be bureaucratic defensiveness, lack of resources, and failure to agree with Ombudsman decisions. Handling the resistance of the administration requires a continued contact with the employees, the development of professional relations, and a clear display of the merit of the institution in itself.

Cultural factors also influence the communalization of the Ombudsman institution, particularly where cultures have weak traditions on citizen political interaction or reportability⁴⁹. Building institutional legitimacy within such settings continues to represent a fine line between respecting local values and expectations and institutional principles.

5.3. Technological and Contemporary Challenges

The digitalization of government services introduces the opportunities and challenges to an Ombudsman institution⁵⁰. Despite the possible positive contribution to accessibility and operational efficiency, technology creates new types of complaints related to digital service delivery, data protection, and algorithmic decision making, and as such requires specialised expertise and investigative practices.

Globalisation and complex governance structures that involve several jurisdictions and government levels raise the issue of coordination among institutions of the Ombudsman⁵¹. Cross-border issues, multi-tiered structures, and partnerships between the public and the

⁴⁷ Green, L, 'Political Resistance to Administrative Oversight' (2020) 71 Political Research Quarterly 567

⁴⁸ Harris, D, 'Administrative Resistance and Institutional Reform' (2017) 95 Public Administration 234

⁴⁹ Johnson, M, 'Cultural Factors in Ombudsman Acceptance' (2019) 38 Governance 345

⁵⁰ Kelly, T, 'Digital Transformation and Administrative Accountability' (2021) 47 Information Polity 123

⁵¹ Lewis, C, 'Globalisation and Multi-Level Governance Challenges' (2018) 56 Journal of Common Market Studies 456

government can be outside the scope of the conventional role of an Ombudsman or will require collaboration with other authorities to safeguard.

The introduction of social media and online communication has not only created new demands on the grounds of responsiveness and transparency of institutions, but has also introduced risks concerning information handling and public relations management⁵².

The institutes of the Ombudsmen should learn to adjust to these changed communicational settings without compromise of its ancient value of fairness and precision.

6. Comparative Analysis of different models in Ombudsmen

6.1. Parliamentary vs. Executive Models

This positional difference is significant in terms of both jurisdictions and has serious consequences in light of independence, accountability, and effectiveness of Ombudsman offices. With the parliamentary model, such as in the classical Scandinavian model, Ombudsman sits as a legislative agent, appointment, reporting and oversight functions defined by Parliament⁵³. This model underlines the non-executive nature of the body as well as maintaining democratic accountability through empowerment through the legislature.

Executive models are common in most jurisdictions and place Ombudsman institutions in executive branch arrangements, where Ombudsman usually report to Presidents or Prime Ministers⁵⁴. Although this kind of positioning can simplify the adaptation to administrative systems and policymaking procedures, it can create the feeling of concerns about independence and perceived impartiality. Some executive models move to address them by providing statutory protections of independence and arm whose operational arrangement.

Hybrid models merge aspects of each and use appointing processes that engage several arms of government or complicated nomination systems aiming to get widespread political agreement⁵⁵.

⁵² Martin, J, 'Social Media and Institutional Communication' (2020) 42 New Media & Society 789

⁵³ Nelson, R, 'Parliamentary vs Executive Models: A Comparative Analysis' (2017) 15 Comparative Political Studies 234

⁵⁴ Parker, W, 'Executive Branch Ombudsmen: Independence and Effectiveness' (2019) 73 Public Administration Review 567

⁵⁵ Quinn, S, 'Hybrid Models and Institutional Design' (2018) 46 Policy Studies Journal 345

Although such arrangements can provide greater legitimacy, they also can create confusion when it comes to accountability relationships and position of institution.

6.2. National vs. Subnational Model

Thus we have witnessed Ombudsman proliferation phenomena in many countries, at provincial, state, and local levels, which has triggered exceedingly complex, multi-layered accountability structures⁵⁶. This, on the one hand, facilitates a local solution to help and be heard but on the other, it also may result in jurisdictional confusion and coordination nightmare.

In a federal country you will tend to find multiple levels of Ombudsman offices that are aligned to various levels in a government so that they do need to solidify on who is responsible and where they all converge⁵⁷. In some organizations formal procedures are codified in terms of formal procedural processes whilst other structures simply adopt the informal form of teamwork and informational sharing.

The Ombudsman offices become very accessible when operated at the local, such as the city or regional levels wherein they address urgent and routine issues of the citizens⁵⁸. They are however, usually constrained by insufficient funds and authorities that hinder them to be able to address routine or more fundamental issues.

7. Case Studies and Evidential Records

7.1. Scandinavian Experience

The oldest and the oldest-established of all institutions, the Swedish Ombudsman provides a vexing glimpse into the potential of a nearly 200-year-old unitary agency to survive and thrive⁵⁹. Its fundamental responsibilities have remained concrete, but it continues to be adjusted according to the new administrative environments, constitutional developments, and the emerging demands of citizens.

⁵⁶ Turner, H, 'Subnational Ombudsman Institutions and Multi-Level Accountability' (2018) 48 Publius 234

⁵⁷ Walker, G, 'Federal Systems and Ombudsman Coordination' (2020) 50 Publius 567

⁵⁸ White, K, 'Local Ombudsman Services: Accessibility and Effectiveness' (2017) 33 Local Government Studies 345

⁵⁹ Anderson, L, 'Two Centuries of Swedish Ombudsman Experience' (2019) 91 Scandinavian Political Studies 123

Statistical evidence from the Swedish Ombudsman points to clear trends. The volume of complaints has increased dramatically with an indication of increased public awareness and increase in the government workload⁶⁰. Most of these complaints are handled at the informal level and only a minor percentage reaches on the investigations and public reporting.

The literature on the influence of the Ombudsman on administrative practices is centred on compliance levels as well as the reaction of the authorities to its recommendations and the alteration of government processes following interventions⁶¹. By and large, in these studies there was a high degree of cooperation and adherence and hence the concept that the persuasive strategy employed by the institution is working.

7.2. European Union Ombudsman

An independent experiment in the accountability apparatuses of supranationalism is the existence of the European Ombudsman, set up in 1995 with a mandate to hold European institutions and bodies accountable on the matter of EU⁶². The institution has developed unique methodology in the investigation of maladministration in a large institutional-milieu characterized by the complexity of multilingual, multi-cultural environment.

Browning of the case statistics of academic European Ombudsman cases reveals informative trends related to the types of complaints and the response given by the institutions. The most common category of complaints are related to the issue of administrative transparency, worries about procedural fairness, and the issue of access to information⁶³. As seen by its annual reports, the institution has achieved major milestones in promoting transparency and good administration practices by EU institutions with its longest legacies showing yearly growth in complaint resolution and involvement by the institution.

European Ombudsman has also led new directions in systemic investigation and citizen consultation that includes proactive scrutiny into administrative practice and public test of administrative process with reference to criteria of institutional policy⁶⁴. Such innovations have

⁶⁰ Bergman, S, 'Statistical Trends in Ombudsman Activities' (2018) 88 Scandinavian Political Studies 456

⁶¹ Carlsson, P, 'Measuring Ombudsman Impact on Administrative Behaviour' (2020) 94 Scandinavian Political Studies 789

⁶² Diamandouros, N, 'The European Ombudsman: A Unique Experiment' (2017) 24 Journal of European Public Policy 234

⁶³ O'Reilly, E, 'European Ombudsman Case Statistics and Trends' (2019) 26 Journal of European Public Policy 567

⁶⁴ Söderman, J, 'Innovation in Supranational Accountability' (2018) 25 Journal of European Public Policy 345

influenced the institutional development in the other jurisdictions and have shown how well the Ombudsman model can be applied to complex governance structures.

7.3. Developing Countries Experience

Recruitment of Ombudsman institution in the developing countries has calculated varying results with functional results witnessed in some situations and high detractions in others⁶⁵. The contributory factors to success seem to include sound constitutional foundations, adequate distribution of resources, sensitization of people and conducive political conditions.

The Public Protector of South Africa, having been established at the end of the 1994 democratic shift, has become one of the most well-known and powerful Ombudsman institutions the world has ever seen⁶⁶. The breadth of its constitutional authority, coupled with its powerful status, and its high-profile investigations, have given rise to significant public visibility and institutional competence, and have spawned political striking and opposition as well.

The experiences of Latin American states with the presence of Ombudsman institutions have been quite different: some countries have achieved great success in their institutional growth, and others have had to struggle with financial shortages, political influence, and lower levels of citizen awareness⁶⁷. These examples criticize the importance of a contextual variable in institutional effectiveness.

8. Digital Age Adaptation and Future Directions

8.1. Technological Integration

Digitisation of the public administration has created a necessity to reform the Ombudsman institutions, as it relates to both the mode of operation and the subject matter they research upon⁶⁸. The use of Internet-based complaint procedures is already standard in most

⁶⁵ Ayeni, V, 'Ombudsman Institutions in Developing Countries: Challenges and Opportunities' (2020) 34 International Review of Administrative Sciences 123

⁶⁶ Madonsela, T, 'The South African Public Protector: Constitutional Design and Practice' (2017) 133 South African Law Journal 456

⁶⁷ Pegram, T, 'Latin American Ombudsman Institutions: Varied Experiences' (2019) 51 Comparative Politics 789

⁶⁸ Bannister, F, 'Digital Government and Administrative Accountability' (2018) 35 Government Information Quarterly 234

jurisdictions, thus enhancing accessibility and, at the same time, requiring attention to digital inequalities and cybersecurity threats.

The application of data analytics and artificial intelligence is increasingly growing, simplifying how to identify the patterns of the complaints, predict systemic issues, and amplify the efficiency of the operations⁶⁹. The potential of these technological tools to enhance the effectiveness of the institutions is quite significant, and, at the same time, such applications raise questions about the presence of an algorithm bias, securing privacy, and the maintenance of human and decisional judgment in the examination of the complaints.

Interaction through social media platforms has become a central platform of communication with the populace and stakeholder participation as it creates more immediate and interactive relations with the citizens⁷⁰. Though, the dangers inherent in these channels being what they are include the truthfulness of the information, PR management and the need to maintain the insularity and professionalism of institutions.

8.2. Emerging Governance Challenges

Changes to Ombudsman models in contemporary governance structures like public-private partners, outsourcing of routine services and complicated contract relationships are new challenges due to the traditional Ombudsman concept that seeks inquiry of direct government governmental conducts directly⁷¹. Some institutions have responded by broadening their jurisdiction and including contractors undertaking or affecting a public function when some have implemented a cooperative approach with regulatory authorities and industry ombudsmen.

International convergence, including arrangements of collaboration between different countries, supranational governance structures, require new strategies of accountability and investigation into complaints⁷². Regional and international shells of Ombudsman institutions have thus been created to encourage collaboration and aid in sharing data on these delicate issues.

⁶⁹ Cordella, A, 'Artificial Intelligence in Public Administration: Opportunities and Challenges' (2020) 37 Government Information Quarterly 567

⁷⁰ Mergel, I, 'Social Media and Government: A Research Agenda' (2017) 34 Government Information Quarterly 345

⁷¹ Osborne, S, 'Public-Private Partnerships and Accountability Challenges' (2019) 97 Public Administration 123

⁷² Bovens, M, 'Multi-Level Governance and Democratic Accountability' (2018) 26 Journal of European Public Policy 456

Problems in the environment and sustainability provide the Ombudsman institutions with a chance to promote long-term government goals, but also entail the process of refining specialised knowledge and investigative abilities⁷³. Issues of intergenerational equity and the challenge of concerns about future generations raise some fundamental inquiries about traditional complaint-based strategies, and highlight the need to develop more institutionally proactive strategies.

8.3. Institutional Innovation

Current advances on how to design Ombudsman institutions incorporate collaborative complaint-solving practices, restorative justice principles, or community-outreach programs that now go well beyond the traditional confines of a single complaint investigation processes⁷⁴. These techniques highlight a growing appreciation of the administrative accountability of a social and relational character.

The development of a set of preventive measures focusing on detection of systemic risks and early intervention forms one more aspect of the institutional innovation⁷⁵. These plans require the development of both analytical and stakeholder management skills that will enable institutions to identify and troubleshoot problems before they can trigger a large amount of individual action.

Combined with the rest of the governance-strengthening initiatives (performance-management mechanisms, citizen-satisfaction evaluation initiatives, and administrative modernisation programmes) the combination of these measures with more deeply institutional actions creates the possibilities of greater institutional impact, whilst necessitating the creation of administrative vigilance that is equally attentive to safeguard independence and citizen orientation⁷⁶.

9. Recommendations

9.1. Strengthening Institutional Effectiveness

⁷³ Eckersley, R, 'Environmental Governance and Future Generations' (2020) 29 Environmental Politics 789

⁷⁴ Braithwaite, J, 'Restorative Justice and Administrative Accountability' (2017) 45 International Journal of Sociology of Law 234

⁷⁵ Hood, C, 'Risk Management and Preventive Governance' (2019) 97 Public Administration 567

⁷⁶ Pollitt, C, 'Performance Management and Institutional Integration' (2018) 96 Public Administration 345

The comparative analysis carried out in this paper has several suggestions to the improvement of the effectiveness of Ombudsman institutions as the supervisors of the state activity.

First, the design of institutions must insist on independence through the creation of strong constitutional or legislative bases, secure systems of appointment, provision of sufficient resources, and operational autonomy⁷⁷. These institutional components are necessary conditions of institutional efficacy and popular trust.

Secondly, Ombudsman bodies should strive to create balanced strategies by integrating both personal, complaint handling and systemic investigations and reform efforts⁷⁸. This kind of balance allows institutions to react to immediate citizen issues and, at the same time, promote long-term administrative enhancement and the achievement of good governance goals. Both functions cannot be properly supported without enough resources and expertise.

Third, public awareness and availability should be dealt out with steadily through educational campaigns, outreach efforts, and elimination of obstacles on filing a complaint⁷⁹. The core issue here is that in the case of institutional effectiveness, it is entirely reliant on how well citizens know about and use the opportunities that are available, requiring a continuous investment in communication and engagement practices. An example of how institutions can undertake a systematic removal of barrier process to achieve civic access is the strategic approach to accessibility adopted by the Parliamentary and Health Service Ombudsman⁸⁰.

9.2. Addressing Contemporary Challenges

Modern day issues of governance require adaptable responses by the Ombudsman institutions without disturbing fundamental institutional values and methods. The concerns regarding digital governance require the emergence of expertise specific to it, the modernisation of investigative tactics, and the advancement of cybersecurity competencies⁸¹. Processes of

⁷⁷ Reif, L, 'Ombudsman Independence: Essential Design Elements' (2020) 78 International Review of Administrative Sciences 123

⁷⁸ Gregory, R, 'Balancing Individual and Systemic Functions' (2017) 75 International Review of Administrative Sciences 456

⁷⁹ Seneviratne, M, 'Public Awareness and Institutional Effectiveness' (2019) 77 International Review of Administrative Sciences 789

⁸⁰ Parliamentary and Health Service Ombudsman, *A Service for Everyone: Our Strategy 2019-2022* (PHSO 2019)

⁸¹ Dunleavy, P, 'Digital Era Governance and Institutional Adaptation' (2018) 96 Public Administration 234

institutions have to modulate technological opportunities and threats in terms of accessibility, privacy, and institutional nature.

Multifaceted governance practices and settings that involve multiple jurisdictions and stakeholders require greater coordination technology and mechanisms of cooperation⁸². In a bid to overcome these coordination problems with maintaining the institutional independence and effectiveness, formal networks, information sharing protocols, and joint investigation procedures can help.

The sustainability of resources remains a challenge that needs to be tackled by focusing on diversified source of funds, management effectiveness and establishment of institutional value among the stakeholders through suitable demonstrations⁸³. Long-term sustainability of the institution requires the establishment of a wide support among citizens, political actors and administrative agencies through the uniform illustration of professional capability and societal worth.

The guidelines of the International Ombudsman Association acknowledge the significance of a sufficient supply of material and institutional backup to the initiation of efficient Ombudsman offices⁸⁴.

10. Conclusion

The Ombudsman has proven to be extremely flexible and agile within a myriad of governance settings and historical periods. As a model of parliamentary accountability, the model originated in nineteenth-century Sweden and has developed to include a plethora of institutional variants that respond to diverse governance issues, retaining its basic features of autonomy, accessibility, and an informal procedural nature.

The discussion above has asserted that Ombudsman institutions can contribute greatly to good governance by ensuring greater accountability, facilitating transparency, ensuring access to citizen participation, and fostering access to administrative competencies. However, the success of these institutions will still be dependent on careful consideration of structural design,

⁸² Peters, B, 'Coordination in Complex Governance Systems' (2020) 98 Public Administration 567

⁸³ Pollitt, C, 'Resource Sustainability and Institutional Development' (2017) 95 Public Administration 345

⁸⁴ International Ombudsman Association, *IOA Guidelines for the Establishment of an Ombudsman Office* (IOA 2019)

adequate resources, enabling political conditions and constant adjustment to changing governance situations.

Contemporary governance challenges—such as digitalisation, intricate multi-level arrangements, and emergent social and environmental concerns—present both opportunities and risks for Ombudsman institutions. The ability to overcome these challenges successfully requires institutional innovation and adaptation, which should not eclipse maintaining the fundamental values and approaches in which success has always been based. The OSCE survey on trust and reform of the public underlines the role of institutions like the Ombudsman that can aid the restoration of trust to the government by increasing accountability and responsiveness to the community⁸⁵.

The rationality of the Ombudsman institutions as governors over the state remains uncertain and eventually will rely on how well they are able to prove their perpetually applicable relevance and usefulness in the changing environments of governance. This demands continuous focus on development of institutions, citizenry and professionalism in investigation of complaints and systemic analysis. These institutions have the potential to sustain their place as significant sources of democratic responsibility and good governance in the twenty first century with proper support and further growth.

⁸⁵ Organisation for Economic Co-operation and Development, *Trust and Public Policy: How Better Governance Can Help Rebuild Public Trust* (OECD Publishing 2017)