



Legal ethics for tracing the roots of corruption in Indonesia

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ABSTRACT

The purpose of this study is to investigate how the principles of legal ethics may be used to find and eliminate the sources of corruption in Indonesia. Legal ethics provides a framework for evaluating legal acts and regulations in light of their ethical implications by incorporating moral principles within the legal profession. Legal statutes, administrative rules, judicial rulings, and scholarly articles are the main and secondary sources consulted in this normative qualitative study. To conduct a normative analysis, one must first determine the efficacy of the current legal framework in eliminating corrupt activities, and then assess the application of legal ethical standards within that framework. According to the findings, flaws in the legal system that permit corruption may be identified by using ethical principles of law, such as fairness, honesty, accountability, and respect for human rights. Justice requires that the law be applied without bias or prejudice, and integrity guarantees that everyone participating in the judicial system is forthright and honest. The public's faith in the justice system depends on its honest administration, and the public may rest certain that its representatives will always put the public interest first because of their moral and professional obligations. Human rights compliance guarantees that anti-corruption initiatives safeguard victims' rights while also punishing those responsible for wrongdoing.

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1. Introduction

The study of how to apply moral concepts to the legal system is known as "legal ethics." (Suwito dkk., 2023). Legal ethics provides a framework for understanding what constitutes appropriate conduct in a legal setting and for assessing legislative initiatives and programmes through an ethical lens. Ethical considerations are crucial in the creation and implementation of laws to guarantee that they are just, compassionate, and moral.

The role of moral principles in the legislative process is a central question in the field of legal ethics. The ethical ramifications of legislation or rulings are often considered by lawmakers, judges, and other court officials. Does a certain legislation, for instance, ensure that everyone is treated fairly? Is it fair and does it take competing interests into consideration? (Yudhanegara dkk., 2024) These inquiries probe the very essence of legal ethics and need responses that take into account factors beyond mere formal conformity with the law.

The legacy of Dutch colonialism still had a significant impact on corrupt practices in Indonesia after independence. During the colonial period, the government system implemented by the Dutch was highly bureaucratic and exploitative, reinforcing sharp social hierarchies. Corrupt practices have become common as a way to maintain power and gain personal advantage in an environment that is not transparent and full of fraud. The hierarchical and inefficient structure of the colonial bureaucracy and legal system was still maintained after independence, allowing corruption to flourish at various levels of government.

Anti-corruption policy in Indonesia has achieved some progress, especially with the Corruption Eradication Commission (KPK) which is active in uncovering major corruption cases and implementing strict sanctions. However, the effectiveness of this policy is still faced with various obstacles, including resistance from groups interested in maintaining the status quo, weak law enforcement, and a lack of transparency in the bureaucracy. Apart from that, low public awareness and a culture of impunity are also significant challenges that hinder efforts to eradicate corruption as a whole.

To reduce opportunities for corruption in Indonesia's bureaucratic system, necessary reforms include increasing transparency, simplifying administrative procedures, and strengthening supervision and accountability. Transparency can be increased through the application of information technology to publish decision processes and results openly, thereby minimizing opportunities for fraud. Complicated administrative procedures need to be simplified to reduce direct interaction between officials and the public which often provides an opening for corruption. In addition, strengthening monitoring and law enforcement mechanisms by ensuring strict sanctions and implementing independent internal audits can encourage compliance with regulations and reduce the culture of corruption in the bureaucracy.

There is a place for legal ethics in the police force as well. Those who work in law enforcement, including prosecutors and police, have a responsibility to uphold ethical standards while doing their jobs. Human rights, fairness, and honesty in dealing with others, as well as the avoidance of power abuse, are all part of this. Justice and honesty must always take precedence in the administration of justice, and law enforcement must never act arbitrarily or discriminatorily, according to legal ethics.

Legal ethics govern the conduct of solicitors and judges in a court of law. Without bias or consideration of personal interests, judges must rule on matters according to the law and the facts (Sukrisno & Putra, 2024). Their rulings should represent substantive justice, not only procedural justice, and they should adhere to the norms of impartiality and fairness. Conversely, attorneys have an ethical obligation to portray their clients in the best light possible while simultaneously protecting their clients from being deceived or from acting unfairly or unjustly.

Professionals in the legal field must get continuing education in the area of legal ethics. This aids in their comprehension and assimilation of the ethical standards that are inherent to their work (Supriadi, 2023). Professionals in the legal field who lack a firm grasp of ethical principles run the risk of betraying their clients and damaging public faith in the justice system.

Because of the complexity of international law and state-to-state interactions, legal ethics is also important in a global setting. In the area of human rights, for instance, it is imperative that nations collaborate to make sure that the legislation is reflective of universally accepted moral principles. This involves preventing the infringement of human rights, rooting out corruption, and guaranteeing justice for everyone, irrespective of their citizenship or legal standing. Indonesia is only one of several nations that has to deal with the serious issue of corruption. Corruption undermines public faith in governmental and economic institutions, which in turn harms these systems (Muhtar, 2019). A thorough investigation of the many historical, social, cultural, and political elements that impact the growth of corrupt practices in Indonesia is necessary for understanding its origins.

The colonial past is a major contributor to corruption in Indonesia. Hierarchical and opaque governance was established during the colonial era by the predatory Dutch. Colonial rulers might utilise this system to enrich themselves at the expense of the people. Corruption and other vestiges of Indonesia's colonial past persisted long after the country gained its independence (Muhtar dkk., 2024). Corruption is greatly aided by Indonesia's political and administrative system. Officials have more room to bribe their way through a bureaucratic structure that is both complicated and opaque. These issues are made worse by a lack of transparency and monitoring on both the national and local levels. Officials in charge often believe they can do anything they want with their authority without worrying about the law catching up with them (Purnomo & Soponyono, 2015).

The rampant corruption in Indonesia is influenced by cultural and social standards as well. It is commonplace to pay "facilitation payments" or bribes in many Indonesian communities. The practice of patronage, wherein one group offers favours or protection to another in return for favours or loyalty, also contributes to the perpetuation of corrupt practices. Because it is now embedded in the fabric of society, this culture is hard to eradicate. One of the factors that worsens Indonesia's corruption issue is the country's weak law enforcement.

There have been initiatives to bolster anti-corruption bodies like the Corruption Eradication Commission (KPK), but there are still significant obstacles to overcome. These institutions are unable to successfully combat corruption because to political pressure, a lack of funding, and the constant interference of other groups. Also, the corruption inside the court system makes breaking the pattern all the more difficult.

Corruption is rampant for economic reasons as well. Many people, in an effort to escape poverty and economic injustice, turn to dishonest practices as a means of rapid financial gain. Corruption also exists in the private sector; several businesses resort to bribes in order to get contracts or get around stringent laws (Junaidi, 2018).

A number of initiatives have been launched in Indonesia to fight corruption, despite the fact that the obstacles encountered are immense. Important measures should be taken to improve the legal system and promote openness. Furthermore, in order to alter the societal mores that condone corrupt behaviour, it is critical to educate the public and launch campaigns to raise awareness of the risks of corruption. Equally crucial is the role of the community in keeping tabs on the government and holding it to account. Transparency and public agency in the fight against corruption may be enhanced by the use of information technology, including social media and online reporting systems. But this endeavour needs the full backing of society at large and a firm political resolve (Ali, 2011).

Investigating the origins of corruption in Indonesia uncovers a web of interconnected causes spanning economics, society, culture, politics, and history. Systemic change,

strengthened law enforcement agencies, and a shift in society culture are all necessary for a long-term, comprehensive strategy to combat corruption. Reduce corruption and develop a fairer, more transparent government system in Indonesia only with united efforts and strong commitment.

Problem Statement: (1) What role may the concepts of legal ethics play in identifying and resolving the origins of corruption in Indonesia? (2) How can we, as a nation, adhere to anti-corruption legislation while avoiding any unethical practices, and what steps may be done to make sure that everyone involved is treated fairly and with integrity?

2. Method

In this setting, normative research methodologies will examine how the concepts of legal ethics might be used to find and eliminate corruption in Indonesia. Using both primary and secondary sources, including statutes, regulations, court rulings, and policy papers, this approach will use qualitative methodologies to analyse the law. Books, scholarly journals, and reports on previous studies on the topics of legal ethics and corruption will all be included in this literature review. An evaluation of the efficacy of the current legal framework in applying the principles of legal ethics to curb corrupt behaviours will be conducted as part of the normative analysis (Ishaq, 2017). Furthermore, this study will assess current and potential methods for ensuring honesty and equity in the implementation of anti-corruption legislation and will highlight ethical difficulties in doing so. Research on the function of legal ethics in the battle against corruption in Indonesia will centre on an examination of relevant legal texts and documents, with an eye towards providing an ethical interpretation of such laws (Mahmud Marzuki, 2011).

Qualitative content analysis will be used to examine legal documents, policy reports, and court case summaries related to corruption in Indonesia. This technique involves systematically coding and categorizing textual information to identify patterns, themes, and relationships. By analyzing the content of these documents, we can uncover the underlying ethical principles and legal interpretations that have influenced the handling of corruption cases over time. This method will also help in understanding how legal and ethical norms have evolved in response to corruption challenges.

3. Analysis and Results

3.1. Application of Legal Ethics Principles can Help Identify and Overcome the Root Causes of Corruption in Indonesia

Studying the guiding ideas and moral ideals of legal systems is the domain of legal ethics, a subfield of philosophy (Luthan, 2012). It is a manual for doing the right thing by following the law and making sure everyone gets a fair shot. In a larger sense, the job of legal ethics is to guide the actions of those who are engaged in the legislative, judicial, legal, and enforcement processes (Adiyanto & Nuzuli, 2020). Respect for human rights, honesty, accountability, and fairness are some of the tenets of legal ethics.

Among the most important principles of legal ethics is the need of doing what is right. Fairness necessitates that everyone be subject to the law without exception. In other words, it doesn't matter a person's socioeconomic status or political leanings; the law must treat them fairly. True justice, not only procedural fairness, is an essential component of justice, and the law must represent this (Muhtar dkk., 2023). Practically speaking, this implies that rulings in the legal system must take into account the effects on social welfare and justice in addition to preexisting regulations.

Integrity is another very important principle in legal ethics. Integrity refers to the consistency of actions, values, methods, measures, principles, expectations, and results. In a legal context, integrity means that all parties involved in the legal system must act honestly and adhere to moral principles. This includes not abusing their power or position for personal or group gain. Integrity in law also means transparency in the legal process, where all actions and decisions must be accountable to the public.

Another crucial element in legal ethics is integrity. When everything from deeds to ideals to procedures to metrics to principles to expectations to outcomes is consistent, we say that anything has integrity. When discussing the legal system, the term "integrity" refers to the need for all parties concerned to be truthful and morally upright. This involves refraining from taking advantage of their position or influence for one's own or others' benefit. For a judicial system to be really honest, all parties involved must be open and honest with the public about their activities and conclusions.

One other rule of law ethics is to be truthful. Everyone participating in the judicial system has an obligation to behave and speak honestly at all times. Acknowledging errors when they happen, giving accurate and comprehensive information, and not deceiving the court or other parties are all part of this. The public's faith in the justice system rests on the bedrock of honesty. The validity of the law is at risk when the public loses faith in it and the institutions that uphold it due to dishonesty.

The concept of responsibility highlights the ethical and professional duties that those engaged in the legal system have. It is the duty of all those involved in the legal system to uphold the rule of law and use it to bring about fairness and equality for all citizens. Taking full ownership of one's choices and deeds entails assuming full responsibility for any repercussions that may result from acting unethically or illegally.

Human rights respect is an integral part of the code of ethics for lawyers. Human rights are fundamental freedoms that every person has by virtue of their humanity (Rs dkk., 2023). These rights must always be safeguarded and respected by the legal system. These include the rights to one's life, one's liberty, one's security, one's right to free expression, and one's right to be treated fairly by the law. According to this guiding concept, no policy or legislation may be created or executed with the intent to infringe upon the rights of any individual.

A just and efficient legal system is based on these interconnected concepts of legal ethics. They play a crucial role in making sure that the law serves as more than simply a list of regulations; it is a means to an end of establishing justice, preserving integrity, and promoting society's welfare. If we follow these guidelines, we may create a justice system that does more than just punish wrongdoers; it will also safeguard individual liberties and encourage admirable character traits.

Putting the rules of legal ethics into practice isn't always easy. Conflicts between these ideals or between private and public interests arise often. A lawyer, for instance, may have conflicting duties, such as protecting his client's best interests while also ensuring that the court is not misled. Decisions that are most consistent with justice and moral standards may be derived from the principles of legal ethics in such cases (Agustine, 2019).

From a legal ethics standpoint, investigating corruption in Indonesia requires an in-depth familiarity with the application of moral principles to the discovery and remediation of corrupt practices. Finding effective, moral, and long-term remedies to corruption requires seeing it through the prism of legal ethics, since it is an act that undermines integrity and justice.

By dissecting loopholes in the law that permit the misuse of authority, the ideals of legal ethics may provide light on the origins of corruption. One example is the concept of justice, which states that everyone should be treated fairly when the law is enforced. Here, we need a thorough examination of the law to root out any potential for corruption. As part of this effort, it may be necessary to evaluate rules in order to remove any room for personal benefit, conduct comprehensive audits of administrative procedures, and closely monitor public officials.

When trying to figure out what causes corruption, honesty is equally important. It is the responsibility of the legal system to guarantee that all public servants engaged in the legislative and enforcement processes are forthright and honest. A combination of stringent fines for ethical infractions, an efficient system for reporting wrongdoing, and frequent asset disclosures may achieve this goal.(Butt, 2011) We can lessen the likelihood that people will engage in corrupt practices if the judicial system remains honest.

Combating corruption also requires an honest judicial system. To make sure that corrupt crimes are not disguised, the judicial system has to be open and responsible. This involves making sure that everyone can easily access and understand court processes, that court rulings are made publicly available, and that systems are in place to track and assess how well the justice system is working. Public faith in the justice system and citizen engagement in police oversight are both bolstered by the concept of honesty (Adha dkk., 2023).

To combat corruption, the legal system as a whole must live up to its moral and professional obligations. Officials in the judicial system should take full moral and legal responsibility for their acts. Training and instruction in ethics may assist law enforcement professionals understand the significance of doing the right thing at all times. Furthermore, the judicial system needs accountability tools, such as the capacity to swiftly and fairly resolve instances involving ethical infractions (Afifudin & Firdaus, 2023).

When fighting corruption, it is essential to uphold the idea of respect for human rights. Individual fundamental rights, including those to health care, education, and welfare, are often undermined by corrupt officials. Thus, anti-corruption initiatives should be structured to safeguard victims' rights while also punishing corrupt officials. That anti-corruption laws and regulations do not infringe on people's rights is an important part of this, as is making sure that victims of corruption have access to remedies (Suramin, 2021).

Political pressure, a lack of funding, and outside interference all pose ethical problems for anti-corruption agencies like the Corruption Eradication Commission (KPK) in Indonesia, making it harder for them to enforce anti-corruption legislation on their own. One way to tackle these difficulties is by bolstering institutions with sufficient autonomy and resources. Another strategy is to ensure that anti-corruption activities have strong political backing. Another crucial step towards ensuring honesty and equity in the enforcement of anti-corruption legislation is the use of information technology to boost openness and citizen engagement in overseeing judicial proceedings.

3.2. Ethic Challenges in Anti-Corruption Law Enforcement in Indonesia: Strategies to Ensure Integrity and Fairness

Combating corruption Indonesian law enforcement encounters several intricate ethical dilemmas. Factors such as political interference, insufficient funding, an entrenched culture of corruption, and a lack of internal resources all contribute to these difficulties. These obstacles not only make it harder to fight corruption, but they also put the honesty and dedication of those working in the judicial system to the test(Hutabarat dkk., 2022).

The enforcement of anti-corruption legislation has significant ethical obstacles, the most significant of which is political pressure. Prosecutors often try to stymie investigations against

powerful individuals or organisations by influencing anti-corruption bodies like the Corruption Eradication Commission (KPK). Legislative attempts to undermine the authority of anti-corruption authorities are one kind of this pressure; other forms include direct interference and threats to the safety of KPK officials. Because of these factors, it is very difficult for law enforcement to operate impartially and independently (Romli Atmasasmita, 1982). They often have the difficult choice of being truthful in their work or caving to political pressure, the latter of which might endanger their jobs, reputations, or even lives (Harefa, 2020).

Another big obstacle to anti-corruption legislation enforcement is a lack of funding. It is becoming more difficult for law enforcement to investigate allegations of corruption due to a lack of resources, personnel, and modern technology. Both the operational capability and officer morale of anti-corruption organisations are impacted by the lack of resources. Because of the less-than-ideal circumstances in which they must operate, the efficiency and efficacy of investigating and prosecuting instances of corruption may suffer.

The difficulties in implementing anti-corruption legislation are exacerbated by the pervasive corruption culture in Indonesian society. Corruption has permeated many circles and is now seen as par for the course. It is common to see bribery, favouritism, and collaboration as acceptable methods of getting forward or fixing issues. There is a pervasive acceptance of corrupt practices in this society; rather, it is seen as a necessary evil that helps people get through the red tape and bureaucracy (Asep Bambang Hermanto & Bambang Slamet Riyadi, 2020). Education, public awareness, and structural change are crucial to changing this culture and promoting honesty and integrity.

The enforcement of anti-corruption legislation is further complicated by the involvement of private and multinational parties. Companies of a certain size, whether they are based in the United States or elsewhere, often resort to unethical methods in order to get contracts, sidestep rules, or gain special treatment. Both the ethical dilemmas and the difficulties in identifying and prosecuting corrupt officials are exacerbated by these actions. On top of that, anti-corruption authorities might end up damaging their reputation and integrity if they move too quickly in response to international demands to show success in eliminating corruption.

A long-term, all-encompassing plan is required to solve these ethical problems. Among the critical things that have to be done is to fortify the institutions. Making sure anti-corruption organisations have the resources, funding, and authority to do their jobs well also involves giving them more leeway to make their own decisions. To make sure these institutions can run smoothly without interference or pressure from special interests, there must be strong and consistent political backing.

To change the deeply ingrained culture of corruption, public awareness and education initiatives are also crucial. It is crucial to educate the people about the consequences of corruption and the value of being truthful and ethical in all aspects of life. Media campaigns and community activities may raise public awareness and involvement in the fight against corruption, and anti-corruption education programmes can be included into school curriculum.

The use of IT also has the potential to make the judicial system more open and accountable. Technology may be used in many ways to bolster anti-corruption initiatives. Some examples include online reporting platforms, integrated case management systems, and the utilisation of big data to analyse corruption trends. Not only can this technology aid in the detection and investigation of corruption situations, but it also gives the public a voice in keeping tabs on the police.

When confronted with the moral dilemmas that arise from implementing Indonesia's anti-corruption legislation, the guiding principles of honesty and fairness must always be maintained. A robust legislative framework for combating corruption was established by Law Number 31 of 1999 about the Eradication of Corruption Crimes, which was subsequently revised by Law Number 20 of 2001. For instance, Articles 2 and 3 govern the penalty for crimes that harm the state's finances or economy quite precisely. Systemic corruption, political meddling, and a lack of funding are just a few of the problems that might arise when trying to put these law requirements into practice (Hermawan, 2016).

To guarantee the proper implementation of this legislation, it is necessary to strengthen anti-corruption agencies like the Corruption Eradication Commission (KPK). In order for the KPK to do its job without interference, it needs complete political backing and complete autonomy. Assistance in the form of a larger budget, more personnel, and the cutting-edge equipment required for thorough investigations are all part of this package. For KPK officials and whistleblowers to be able to do their jobs securely and efficiently, the law has to be tightened.(Imama dkk., 2021)

In the fight against corruption, public awareness and education are equally crucial. Schools that include anti-corruption education programmes into their curricula are better able to start teaching students to be honest and trustworthy at a young age. The people may be educated about the risks of corruption and motivated to take action against it via community activities and long-term media campaigns. By enabling the public to actively engage in monitoring law enforcement, information technology may improve accountability and transparency in the process. Online reporting platforms and integrated case management systems are examples of such tools.

In order to address the ethical concerns surrounding the enforcement of anti-corruption legislation in Indonesia, a thorough and long-term plan is required. Among these measures are the incorporation of IT, the improvement of public awareness and education, and the fortification of existing institutions. This strategy has the potential to greatly reduce corruption in Indonesia by fostering a culture of honesty and building a more robust, open, and equitable judicial system. Sustainable social and economic growth will be a byproduct of these changes, which will boost public faith in the government and the justice system while simultaneously making law enforcement more effective.

4. Conclusion

By offering a moral framework for the creation, implementation, and enforcement of just and moral laws, legal ethics plays a significant role in identifying and resolving the causes of corruption in Indonesia. The legal system can do a better job of detecting and preventing corruption if it applies the concepts of fairness, honesty, accountability, dignity, and respect for human rights. Through the use of information technology, public education and awareness campaigns, political backing, and institutional strengthening, ethical issues including external interference, a pervasive culture of corruption, a lack of resources, and political pressure may be addressed. Together, these goals – improved anti-corruption law enforcement and more public faith in the judicial and governmental systems – will pave the way for long-term social and economic prosperity.

Research on corruption can be politically sensitive, leading to self-censorship or limited access to information. For future research, Develop frameworks for conducting sensitive

research that protect researchers and participants, such as ensuring confidentiality and using secure data collection methods.

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