

Transforming Civil Servant Disciplinary Law in Indonesia: From Administrative Formality to an Integrated Corruption Prevention Instrument

Moh Ibnu Ichwanusshofa*, Ahmad Redi

Borobudur University, Jakarta, Indonesia, ichwan.pknstan@gmail.com

Borobudur University, Jakarta, Indonesia, ahmad_redi@borobudur.ac.id

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*Correspondence: Moh Ibnu

Ichwanusshofa

Email: ichwan.pknstan@gmail.com

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Abstract: *The primary objective of this study is to analyze the legal transformation in the enforcement of civil servant discipline as an integrated instrument for the prevention of corruption. Corruption within the bureaucracy cannot be separated from disciplinary violations that are often treated merely as administrative formalities. Although regulated under Law Number 20 of 2023 on State Civil Apparatus and Government Regulation Number 94 of 2021 on Civil Servant Discipline, the enforcement of discipline still tends to be reactive and oriented toward individual sanctions, and has not functioned effectively as an early detection mechanism for potential corruption. This research employs a normative legal method using statutory, conceptual, and theoretical approaches. The analysis draws on the Broken Windows Theory and the Normalization of Deviance theory to explain how tolerance toward minor administrative violations may evolve into more complex forms of corruption. In addition, the legal system theory is applied to examine the interaction between legal substance, structure, and culture in the enforcement of civil servant discipline. The findings indicate that the primary weakness lies in the existing legal construction, which has not integrated disciplinary enforcement with a comprehensive corruption prevention system, along with the limited role of direct supervisors in monitoring and controlling bureaucratic behavior. This condition calls for the reconstruction of legal norms toward a more proactive and detective model of disciplinary enforcement, as well as the strengthening of administrative accountability of*

direct supervisors as part of an integrated corruption prevention effort.

Keywords: *civil servant discipline; corruption prevention; legal transformation.*

Introduction

Over the past few decades, governance in developing countries has been plagued by a major problem, namely corruption. In the Indonesian context, this is evident in the results of the 2025 Corruption Perception Index published by Transparency International (2026), which saw a three-point drop from the previous year to 37 (Indonesia 2025). In addition to financial losses, such conditions can further damage reputations and erode public trust in governance. If these conditions continue to develop, expand, and are not handled appropriately, they can lead to the collapse of the state, as Rotberg's study in the book *When*

States Fail: Causes and Consequences (Rotberg 2004) and policy brief from the Michelsen Institute with the title: Corruption in Fragile States (Institute. 2008).

Based on the statistical data of the Corruption Eradication Commission (KPK) in the agency category, the ministry/institution sector occupies the second largest position in corruption cases with a cumulative total of 513 cases in the period 2004 to 2025, after the district/city government (Commission. 2026). Based on these data, the trend of corruption cases in ministries/institutions shows a relatively consistent and structured pattern. Still sourced from the KPK's action data, as many as 454 government officials from echelon officials of ministries/institutions were proven to have committed corruption crimes throughout the above period. This number is the largest after the private sector is involved. It offers the high vulnerability of corruption cases in ministries/institutions, especially related to abuse of authority and/or maladministration of government bureaucracy, which is actually a disciplinary violation in the field of State Administrative Law.

Beyond their legal implications, the persistence of corruption cases within ministries and institutions also affects public trust in bureaucratic reform efforts. Extensive media coverage and public communication surrounding corruption cases contribute to the formation of corruption narratives that shape public perceptions of governmental integrity. Repeated exposure to corruption scandals may create the impression that unethical conduct is systemic within public institutions, thereby weakening institutional legitimacy and reducing confidence in the effectiveness of internal supervision and reform programs. Conversely, transparent communication regarding disciplinary enforcement, accountability measures, and anti-corruption reforms can strengthen public trust by demonstrating the state's commitment to integrity and good governance. Therefore, corruption prevention should not only focus on strengthening disciplinary and legal enforcement mechanisms but also on developing effective public communication strategies that reinforce institutional legitimacy and public confidence in bureaucratic reform.

Corruption in ministries/institutions is not a stand-alone legal event. An empirical study in Indonesia conducted by Radiansyah explains that maladministration is one of the antecedent factors in the occurrence of corruption (Radiansyah, M. M. D. H., & Rezki 2005). In the Indonesian legal system, corruption is defined as an unlawful act committed to enrich oneself or another party, resulting in harm to state finances or the national economy. The definition of corruption is derived from Law Number 31 of 1999 on the Eradication of Corruption, as amended by Law Number 20 of 2001, and has subsequently been incorporated into Law Number 1 of 2023 on the Criminal Code. The crime of corruption is regulated in various forms, including abuse of authority, bribery, gratuities, and other fraudulent acts.

From an administrative disciplinary violation in the State Administrative Law system, it has evolved into a criminal offense of corruption in the Criminal Law system. Legal regulations regarding disciplinary violations are normatively based on Law Number 20 of 2023 concerning the State Civil Apparatus (ASN) and Government Regulation Number 94 of 2021 concerning Civil Servant Discipline (PNS), which regulates obligations, prohibitions, sanctions, and disciplinary enforcement mechanisms. Article 1, number 4 of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline defines a disciplinary violation as any statement, writing, or action by a civil servant that disobeys obligations

and/or violates prohibitions in disciplinary provisions, both during and outside of working hours.

By correlating the provisions governing criminal acts of corruption with the definition of disciplinary violations, it can be inferred that corruption represents an aggravated form of civil servant disciplinary misconduct, characterized by personal or third-party benefit and resulting in losses to state finances or the national economy. Therefore, criminal acts of corruption should be prevented if the disciplinary enforcement process is carried out beyond mere formality. This mechanism will be a highly effective effort to prevent criminal acts of corruption. Enforcing civil servant discipline helps detect violations early and prevent them from developing into corruption offenses. In addition to early detection, administrative disciplinary enforcement will be a premium remedy or the first response to early indications of criminal acts of corruption. However, based on the statistical data on KPK enforcement actions described above, the early detection mechanism and administrative disciplinary enforcement are administrative instruments that require legal transformation so that both instruments can operate beyond mere administrative formalities.

Civil servant disciplinary enforcement has not yet been fully optimized as a primary instrument for preventing corruption. It continues to function largely as a reactive administrative mechanism, addressing violations after they occur rather than through systematic preventive measures. This condition reflects a gap between the intended objectives of disciplinary enforcement and its practice, particularly in early detection and initial response to violations. Therefore, it is necessary to review the legal construction of civil servant disciplinary enforcement, particularly in relation to the corruption prevention approach, so that there is integration between administrative action efforts and corruption prevention efforts. The current sanction-based approach, which predominantly emphasizes the imposition of formal individual sanctions, requires further development through the strengthening of multi-level supervision, including the active involvement of direct superiors. Accordingly, this study asks: How can civil servant disciplinary enforcement be transformed into an integrated corruption prevention instrument?

To study the phenomenon more precisely, this study needs to use a qualitative approach. Broken Windows Theory was delivered by George L. Kelling, who emphasized that handling minor violations that are not optimal will create a permissive environment for more serious violations (Wilson, J. Q., & Kelling 1982). In addition, in this study, it is necessary to place the problem within the framework of the legal system, as stated by Lawrence M. Friedman, that the effectiveness of law enforcement is influenced by the substance of law, legal structure, and legal culture that develops in society and organizations (Friedman 1984). With these theories, it is hoped that it will be able to open a new scientific narrative in studying norms, structures, and practices of disciplinary enforcement with a more comprehensive theoretical and normative approach, so that answers are obtained to the need for an effective and integrated corruption prevention system in the implementation of government administrative tasks.

Methodology

This study on the legal transformation in enforcing civil servant discipline as a comprehensive instrument for preventing corruption employs a normative legal research approach. It explores legal norms, interpreting law as a network of values that are articulated as abstract concepts ultimately leading to concrete regulations (Soekanto 1986). Sutandyo Wignjosoebroto refers to this type of research as doctrinal research (Wignjosoebroto 2002).

This research primarily utilizes legal materials gathered through library research. The data collected for this study consists of secondary data, including official documents, books, research reports, and other readily available materials (Soekanto 1986). This secondary data is seen from its binding power and consists of primary legal materials, secondary legal materials, and tertiary legal materials (Soekanto 1986).

Result and Discussion

The Broken Windows Theory Approach in Constructing Civil Servant Discipline Enforcement as an Instrument for Preventing Corruption Crimes

Violations of civil servant discipline can develop into criminal acts of corruption if they fulfill the elements of a corruption offense. It is due to the normative overlap between disciplinary violations and criminal acts of corruption. The corruption offense of abuse of authority, as regulated in the Corruption Crime Law, which has been codified by Law Number 1 of 2023 concerning the Criminal Code, places the element of abuse of authority as the main element. This abuse of authority is a form of maladministration. Maladministration has many forms, and Law Number 30 of 2014 concerning Government Administration does not provide a separate definition of the meaning of maladministration. This law only explains in detail regarding the "Prohibition of Abuse of Authority," which is one form of maladministration. Based on Article 17 paragraph (2) of Law Number 30 of 2014 concerning Administration, the scope of abuse of authority in this law includes:

- a. Prohibition of exceeding authority;
- b. Prohibition on mixing authority;
- c. Prohibition of arbitrary action.

Abuse of authority is regulated as part of the prohibitions for civil servants in accordance with Article 5, letter a of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline with administrative sanctions in the form of demotion to dismissal. Administrative action against violations of civil servant discipline is expected to be an instrument to prevent the occurrence of criminal acts of corruption. Several cases handled by the Corruption Eradication Commission show that corrupt practices often begin with procedural deviations in the procurement of goods and services, conflicts of interest, or the acceptance of small-scale gratuities (Dewi, et al., 2025)

Administrative action is essential to prevent abuse of administrative authority from developing into criminal acts of corruption, resulting in personal or other benefits, and harming state finances or the national economy. This is to prevent the normalization of violations. Disciplinary violations by civil servants, such as conflicts of interest, bribery, irregularities, or other small-scale violations, are not dealt with firmly, resulting in a pattern of normalization of deviation within the organization (Nugroho, et al., 2025). The practice

of normalizing deviance over a long period of time will be accepted as a habit if it does not receive firm action, or in criminology, is called the concept of Normalization of Deviance (Kaumpungan 2025).

Broken Windows Theory was introduced by George L. Kelling, who emphasized that the handling of minor violations that are not optimal will create an environment that is permissive towards more serious violations (Wilson, J. Q., & Kelling 1982). He states that clear indicators of chaos and minor violations of an environment will invite greater crimes (Wilson, J. Q., & Kelling 1982). It can be used in public sector governance with the specific application that abuse of authority, which is an administrative deviation that is not processed, will give rise to serious violations in the future. Kelling and Coles emphasized that the core of this theory is not related to the level of the violation, but rather the message sent if minor violations are not processed (Kelling, G. L., & Coles 1997). In a developing bureaucracy, indifference to minor violations will foster a permissive culture where integrity will gradually erode (Adiguna 2021). Slow or indecisive enforcement of disciplinary violations is one of the causes of recurrence, even to more serious levels. Bologna, Lindquist, and Wells developed the GONE Theory, which explains the factors that drive individuals to commit deviant behavior, namely:

- a. Greed or avarice is related to the existence of avaricious behavior that potentially exists within every person;
- b. Opportunity, related to the state of an organization, agency, or society, which is such that there is an opportunity for someone to commit fraud against it;
- c. Needs or requirements, relate to factors that are required by individuals to support their lives, which they consider reasonable; and
- d. Exposure or disclosure relates to the actions or consequences that the perpetrator of fraud will face if the perpetrator is found to have committed fraud (Bologna, Lindquist 1993)

Inadequate enforcement will negatively impact the consequences for perpetrators. Corruption can be prevented if disciplinary enforcement is not merely a formality. This legal framework must serve as the foundation for developing an effective corruption prevention system.

Legal Transformation in Enforcing Discipline of State Civil Apparatus: From Administrative Formality to Integrated Instrument for Corruption Prevention

The administrative disciplinary enforcement process should serve as an early warning to internal supervisory authorities to improve business processes and take firm action against perpetrators. Weaknesses in the administrative control system have been shown to open up opportunities for corruption (Nurhadi, et al., 2025). Administrative law functions as a preventative and corrective measure through internal oversight and administrative sanctions; criminal law is repressive when the elements of a corruption offense are met (Latif, A., & Halim 2023). Administrative disciplinary violations in the State Administrative Law system can develop into corruption offenses in the Criminal Law system.

The intersection between administrative actions and criminal acts of corruption lies in:

1. The main duties and functions of the position entrusted to a State administrator, in this case, an ASN;
2. The burden of legal responsibility for the position attached to him;
3. Aspects of state/regional financial management that lie in the special tasks assigned to the position;
4. Facilities and infrastructure attached to the position that come from the state.

State Administrative Law (HAN) plays a strategic role in preventing corruption. HAN plays a crucial role in maintaining transparent and accountable governance, including in enforcing the law against crimes that impact social and economic stability (Suryo, et al., 2024). HAN is the initial step towards enforcing criminal law. In the next stage, criminal law establishes sanctions or punishments for individuals who violate prevailing societal norms. There will be an intersection between HAN and Criminal Law, which can potentially create positive outcomes if there is synergy between legal systems or have negative impacts if they clash or become siloed between systems.

Understanding the concept of the legal system will provide a framework for analyzing the problem of legal transformation in disciplinary enforcement. Regarding the legal system, Lawrence M. Friedman states that the legal system consists of legal structure, legal substance, and legal culture (Friedman 1984). This study will be further explored by elaborating on the theory of legal systems with the aim of comprehensively analyzing the implementation of civil servant discipline enforcement. The legal system's approach is highly relevant because the implementation of civil servant discipline enforcement is not only determined by a series of norms, but also by the capacity of the institution and social acceptance of those norms (Barlian, A. E. A., & Herista 2021).

The first component is the legal structure. This structure concerns institutions (organizations), such as the legislature, police, and courts, and how these institutions operate and carry out their functions (Friedman 1984). One of the administrative institutions that plays a role in the context of enforcing Civil Servant discipline is through the supervisory mechanism by the Government Internal Supervisory Apparatus (APIP) carried out by the Inspectorate General. APIP has supervisory duties through audits, reviews, monitoring, evaluations, and other supervisory activities regarding the implementation of government duties and functions. The main task of government internal control is as rigidly regulated in Article 48 paragraph (2) of Government Regulation Number 60 of 2008 concerning the Government Internal Control System.

The expansion of authority granted to APIP is based on Article 20, paragraph (1) and paragraph (2) of Law Number 30 of 2014 concerning Government Administration, which emphasizes that APIP can supervise abuse of authority by government agencies/officials and determine state losses arising from administrative errors. This expansion of authority should further strengthen the main function of APIP in carrying out strict supervision of the actions or deeds of state officials, especially in the context of corruption. However, this is also in fact ineffective with various contextual problems that exist within the APIP itself, such as the problem of audit competence and the individual officers who conduct the audit (Adiguna 2021). For effective supervision and action against disciplinary violations, which

can be a series of prevention of criminal acts of corruption, an independent APIP is needed with officers who have integrity and competence.

APIP conducts its oversight and enforcement of disciplinary violations, and it discovers suspected corruption. It then submits the case to the APH for investigation. The process separates the administrative process from the criminal procedure process. There are no legal regulations governing collaboration to maintain continuity within a single system. Likewise, after the criminal process is completed with the conviction of the perpetrator of the corruption, there is no longer any connection with the APIP to take the necessary steps to prevent a recurrence. Regulatory transformation is needed to regulate the relationship between the APIP as an administrative supervisor within the scope of State Administrative Law, and Law Enforcement Officials within the scope of Criminal Law. This APIP-APH relationship will place the enforcement of civil servant discipline as part of an integrated corruption prevention system. In this framework, organizational communication serves as a strategic mechanism for coordinating supervision, disseminating ethical standards, and strengthening institutional compliance. Effective communication between APIP, APH, and public institutions facilitates the consistent implementation of disciplinary policies, enhances transparency and accountability, and ensures that anti-corruption values are internalized throughout the bureaucracy. Through clear communication channels, supervisory findings, disciplinary measures, and integrity-related policies can be conveyed effectively, reducing ambiguity and preventing the normalization of corrupt practices. Consequently, the integration of APIP and APH is not only a regulatory and institutional arrangement but also a communicative framework that promotes a culture of compliance and supports sustainable corruption prevention within public institutions.

The second component of the legal system is substance, namely the actual rules, norms, and behavior patterns of people inside the system (Barlian, A. E. A., & Herista 2021). Friedman also includes patterns of social behavior and social norms in addition to law, thus including social ethics such as the principles of truth and justice. Thus, what is called the legal substance component here is all the principles and norms used as references by society and the government. There are several provisions in enforcing the discipline of Civil Servants that are not yet clear and detailed; there is a lot of room for interpretation for civil service development officials; there are types of sanctions, but the details of violations are left to each official, so that there are serious violations that are only given a warning (Rusliandy 2022).

In addition, legal regulations that need to be initiated in the context of regulatory transformation are collaborative legal regulations for civil servant discipline enforcement institutions, with a system for preventing criminal acts of corruption. Renewal of laws and regulations that firmly provide a legal basis for administrative-criminal synergy in the context of eradicating corruption. Collaboration between the state administrative legal system and criminal law is a practical necessity in building a responsive, adaptive, and just mechanism for eradicating criminal acts of corruption.

The third component of the legal system is legal culture, which Friedman defines as “people’s attitudes toward law and legal system, their beliefs, values, ideas, and

expectations” (Friedman 1984). The legal culture referred to in this context specifically relates to the legal awareness of the parties involved in the process of enforcing civil servant discipline and those responsible for preventing corruption within ministries/institutions. It also concerns the legal awareness of legal subjects within a community. The organizational culture and work culture of civil servants remain issues that require special attention in corruption prevention efforts.

The occurrence of violations of civil servant discipline is caused by neglect and enforcement of sanctions. There is a significant influence between the function of implementing the law and the actions of employees who commit violations, due to a lack of supervision, so it can be assumed that: (Sudrajat 2008)

- a. Lack of response from the authorities to sanctions, weak controlling and evaluating systems from the relevant parties, thus allowing violations to occur.
- b. The lack of motivation among civil servants stems from a system that doesn't require every employee to work for the agency's benefit, thus discouraging them from achieving mutually beneficial results, as the monthly results remain relatively unchanged. This results in performance that is solely focused on results, rather than on the governance process that demands total commitment in carrying out its duties. The impact of this lack of motivation leads government officials to merely perform their duties through formalities, filling work attendance schedules, and working in the sense of meeting deadlines without regard for the desired objectives.

According to Basir Barthos, the Indonesian work culture that has been observed and researched so far still does not value efficiency and work discipline. This is different from the Japanese and other people in Western countries who are generally characterized positively in terms of their work ethic regarding efficiency, discipline, awareness of the importance of time, respect for individual initiative or independence (Barthos 1990). The analysis of the obstacles to the effectiveness of enforcing civil servant discipline using the legal system theory can be summarized as follows.

Table 1. Factors Inhibiting the Effectiveness of Civil Servant Discipline

Aspect	Main Problem
Substance	<ol style="list-style-type: none"> 1. The sanctions are too lax, they do not have a deterrent effect (Adrie 2020). 2. The connection between administrative sanctions and criminal sanctions; 3. The connection between the examination of civil servant discipline enforcement and criminal procedural law
Structure	<ol style="list-style-type: none"> 1. Apparatus: subjectivity, weak commitment and coaching (Rusliandy 2022) 2. APIP-APH institutional connectivity.
Culture	<ol style="list-style-type: none"> 1. Repeat violation 2. Permissiveness or neglect (Herlinawan, et al., 2024)

The success of collaboration between civil servant disciplinary action and the corruption prevention system will depend on the alignment of three elements of the legal

system: clear regulations as the legal substance, a competent and in-house government internal supervisory apparatus as the structure, and the ministry/institution's organizational culture, along with its values, as the foundation for compliance.

Conclusion

The enforcement of civil servant discipline within the current framework of State Administrative Law still tends to be an administrative formality, focused solely on imposing sanctions after a violation occurs. It is due to the construction of norms that place greater emphasis on individual accountability, which has not integrated various civil servant disciplinary provisions into efforts to prevent corruption. Handling civil servant discipline as a mere administrative formality creates the potential for disciplinary violations to develop into criminal acts of corruption. The legal transformation of disciplinary enforcement for civil servants must be prioritized by enhancing the legal framework that integrates disciplinary measures with the corruption prevention system. In addition to this legal overhaul, there needs to be a paradigm shift from a merely reactive approach to a more proactive stance.

In constructing this paradigm shift, it must be reinforced by strengthening the APIP institution, regulating firm sanctions, and clear accountability of direct superiors in the event of disciplinary violations by their subordinates, and regulating clear connectivity between civil servant disciplinary action within the realm of State Administrative Law and the corruption prevention system. Legal transformation of civil servant disciplinary enforcement is done in an integrated manner within a risk-management-based internal oversight framework so as to be able to detect any deviations. The legal transformation will create a government organizational culture that prioritizes the values of integrity and is effective in efforts to prevent criminal acts of corruption.

Recommendation

First, regulatory reforms that explicitly integrate the enforcement of civil servant discipline with corruption prevention systems within the bureaucracy are necessary. These reforms should focus on strengthening early detection obligations, particularly by identifying profiles and behaviors that are prone to risk, clarifying the scope of administrative accountability for direct supervisors, and establishing continuous oversight mechanisms to enable ongoing and systematic monitoring. The reformulation of these norms is expected to shift the orientation of disciplinary enforcement from merely imposing sanctions to a more proactive and preventive control system.

Second, enhancing institutional integrity necessitates a transition toward an integrated, risk-oriented internal oversight framework. Central to this evolution is the revitalization of the Government Internal Supervisory Apparatus (APIP), paired with a concerted effort to bolster the supervisory capacity of direct managers in their dual roles of personnel development and oversight. By instituting proactive monitoring mechanisms that identify irregularities at an early stage, government agencies can more effectively embed discipline and ethical conduct within the broader framework of good governance.

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