

## Corruption in the Digital Age: Challenges of Law Enforcement in Electronic Government Systems

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**Abstract:** *The development of information technology has driven the transformation of governance through the implementation of the Electronic-Based Government System (ESBS) as an effort to realize a transparent, accountable, and efficient government. However, this digitalization does not necessarily eliminate corrupt practices, but rather gives rise to new, more complex, technology-based corruption patterns. This study aims to analyze the challenges of law enforcement against corruption crimes in the digital era within the ESBS system, particularly those caused by the ambiguity of norms in laws and regulations. The research method used is normative legal research with a legislative and conceptual approach, through an analysis of regulations related to ESBS, corruption crimes, and information technology law. The results show that the ESBS regulations in Presidential Regulation Number 95 of 2018 are still administrative in nature and have not been optimally integrated with the legal regime for eradicating corruption. In addition, there is a lack of clarity in the norms regarding the determination of legal accountability, system security standards, and digital evidence mechanisms, which creates legal uncertainty and multiple interpretations in law enforcement practices. Disharmony between the Corruption Crime Law and the Electronic Information and Transactions Law also weakens the effectiveness of enforcement against digital corruption. Therefore, legal reconstruction is needed through the reformulation of norms that are adaptive, integrative, and responsive to technological developments to ensure legal certainty and the effectiveness of eradicating corruption in the digital era.*

**Keywords:** *Digital Corruption, SPBE, Normative Ambiguity, Law Enforcement, Legal Certainty.*

### INTRODUCTION

The development of information and communication technology has accelerated the transformation of governance from a conventional system to an integrated digital system through the implementation of the Electronic-Based Government System (SPBE). This transformation is not only technical and administrative in nature, but also touches on the normative dimension of the implementation of state power, which must comply with the principle of the rule of law (rechtsstaat). From the perspective of administrative law theory, the digitalization of government is a manifestation of the principle of bureaucratic modernization aimed at



increasing the effectiveness of government administration.<sup>1</sup> Furthermore, the implementation of SPBE also reflects the principles of transparency and accountability as part of the principles of good governance. Therefore, digitalization is not merely a technological instrument, but also a normative instrument for realizing clean and authoritative governance.

Theoretically, the concept of good governance as put forward by the World Bank emphasizes the importance of transparency, accountability, participation, and the rule of law in governance.<sup>2</sup> In this context, SPBE is positioned as a strategic tool to minimize direct interactions that could potentially lead to corrupt practices. The digitalization of public services is believed to be able to close loopholes for abuse of authority through automated and electronically documented systems. However, from the perspective of Lawrence M. Friedman's legal systems theory, the success of a legal system is determined not only by its structure and substance, but also by its legal culture.<sup>3</sup> Thus, the implementation of SPBE without the support of a legal culture with high integrity has the potential to fail to achieve its ideal goals.

Within the normative framework, the implementation of SPBE in Indonesia is regulated by Presidential Regulation Number 95 of 2018, which affirms the obligation to integrate electronic-based government systems nationally. This regulation emphasizes the importance of information technology governance, including information security, system interoperability, and accountable data management. Fundamentally, this regulation reflects the principles of legal certainty and utility, as outlined in Gustav Radbruch's theory of legal objectives.<sup>4</sup> However, these regulations are still administrative in nature and have not comprehensively integrated aspects of criminal liability in the context of misuse of electronic government systems.

Regulations regarding criminal acts of corruption continue to refer to Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, which are classically formulated in the context of conventional crimes. Meanwhile, the Electronic Information and Transactions Law provides the legal basis for the use and validity of electronic evidence. From the perspective of the principle of legality (*nullum delictum nulla poena sine lege*), the formulation of criminal acts must be clear and open to multiple interpretations to be effectively enforced.<sup>5</sup> However, when these norms are confronted with the development of digital-based

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<sup>1</sup> Riziq, M., & Hotijah, S. (2025). Penerapan Prinsip Hukum Administrasi Negara Dalam Penguatan Keterbukaan Informasi Publik Di Era Digitalisasi Birokrasi. *Sosio Yustisia: Jurnal Hukum dan Perubahan Sosial*, 5(1), 1-20. <https://doi.org/10.15642/sosyus.v5i1.764>

<sup>2</sup> Putra, J. A., Permata, D., Djani, A. I., Sabetu, D. L., Finit, Y. N., & Mas'ud, F. (2025). Evaluasi Penerapan Prinsip Good Governance dalam Sistem Pemerintahan Indonesia: Tantangan dan Peluang dalam Mengatasi Kesewenang-wenangan. *JIMU: Jurnal Ilmiah Multidisipliner*, 3(02), 1239-1251. <https://ojs.smkmerahputih.com/index.php/jimu/article/view/754>

<sup>3</sup> Razak, A. (2023). Mewujudkan Pemilu Adil dan Bermartabat: Suatu Tinjauan Sistem Hukum Lawrence M. Friedman. *Fundamental: Jurnal Ilmiah Hukum*, 12(2), 471-488. <https://doi.org/10.34304/jf.v12i2.185>

<sup>4</sup> Karman, K., Putri, S. A. M., Regawoge, N. B., & Malau, P. (2025). Studi Tentang Konfrontasi Antara Gagasan Keadilan Dan Kepastian Hukum Dalam Filsafat Hukum. *Iuris Studia: Jurnal Kajian Hukum*, 6(3), 751-760. <https://doi.org/10.55357/is.v6i3.1051>

<sup>5</sup> Iskandar, D., Zulfaidah, W. N., Almanda, A., Abdinur, I., Putra, D. Y., Andriani, C. Y., & Zulfazrul, Z. (2024). Perkembangan teori dan penerapan asas legalitas dalam hukum pidana Indonesia. *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin*, 1(3), 293-305. <https://doi.org/10.71153/jimmi.v1i3.147>

crime, the issue of adapting norms that are not fully responsive to technological dynamics arises. This indicates a gap between technological development and legal development (lag of law).

Empirically, the digitalization of government has actually given rise to new modus operandi for corruption, exploiting electronic systems as a means of crime. Data manipulation, e-procurement system manipulation, and the misuse of digital access by public officials are increasingly complex forms of corruption. In modern criminal theory, this aligns with Edwin H. Sutherland's view of white-collar crime, which evolves in response to social and technological dynamics.<sup>6</sup> Thus, corruption in the digital era is no longer conventional, but has transformed into a system-based crime that is difficult to detect with the naked eye.

The characteristics of digital corruption show a shift from individual crime to systemic and organized crime.<sup>7</sup> From a legal system theory perspective, this indicates weaknesses in the oversight structure and legal substance, which are unable to anticipate the complexities of digital crime. Furthermore, the evidentiary aspect presents a unique challenge because it relies on electronic evidence, which requires specialized expertise in digital forensics. This situation creates a capacity gap between criminals who utilize technology and law enforcement officials who have not yet fully adapted. Consequently, the effectiveness of law enforcement is hampered.

From a normative perspective, the existing regulations governing SPBE and corruption eradication do not fully clarify the boundaries of legal responsibility in the management of electronic government systems. Vague norms are evident in the regulations regarding who is responsible for system failures, data leaks, or misuse of digital access. In legal interpretation theory, vague norms open up wide scope for interpretation, potentially leading to inconsistencies in legal application. This contradicts the principle of legal certainty, which requires clear norms for predictability and fair application.

The lack of clarity in norms is also evident in regulations regarding system security standards and digital audit mechanisms, which have not been explicitly formulated in legislation. From a prudential principle perspective, every electronic system should be based on strict security standards to prevent misuse.<sup>8</sup> However, the lack of established standards has led to variations in implementation, potentially creating legal loopholes. This situation indicates that existing regulations do not fully meet the principles of effective legal protection.

The implication of this normative ambiguity is the emergence of legal uncertainty in law enforcement against digital-based corruption crimes. This uncertainty is evident in determining who is legally responsible, whether an individual, an institution, or a third-party system provider. Furthermore, the validity of electronic evidence is also a matter of debate in judicial practice. From a theory of evidence perspective,

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<sup>6</sup> Rumahorbo, L., & Yusuf, H. (2025). Analisis Mendalam Perilaku Menyimpang White-Collar Crime (Studi Kasus melalui Lensa Teori Convenience). *Media Hukum Indonesia (MHI)*, 3(3). <https://ojs.daarulhuda.or.id/index.php/MHI/article/view/2195>

<sup>7</sup> Safitri, S. S. W., & Suciyan, S. (2026). Korupsi Pengadaan Alat Kesehatan sebagai Kejahatan Struktural: Rekonstruksi Pertanggungjawaban Pidana Berbasis Sistem dan Kelembagaan. *Jurnal Keilmuan dan Keislaman*, 86-104. <https://doi.org/10.23917/jkk.v5i1.959>

<sup>8</sup> Ardedia, T. A., & Herta, D. E. (2025). Implementasi Prudential Principle Dalam Perlindungan Konsumen Pada Sistem Layanan Electronic Payment. *Media Hukum Indonesia (MHI)*, 3(3). <https://www.ojs.daarulhuda.or.id/index.php/MHI/article/view/1661>

evidence must meet both formal and material requirements to be admissible in court.<sup>9</sup> However, in the digital context, these standards have not been fully harmonized. Furthermore, the ambiguity of norms also makes it difficult to distinguish between administrative errors and criminal acts of corruption in the management of electronic government systems. In administrative law theory, not every administrative violation can be classified as a crime.<sup>10</sup> Therefore, clear boundaries are needed to prevent overcriminalization or undercriminalization. This lack of clarity has the potential to create injustice for all parties and undermine public trust in the legal system.

This phenomenon ultimately creates a paradox in the implementation of government digitalization, where technology, which should be an instrument for preventing corruption, is instead exploited as a means to commit more sophisticated and covert crimes. From a critical legal theory perspective, this demonstrates that the law often lags behind social and technological developments. Therefore, a progressive and adaptive legal approach is needed to address these developments. Without legal reform, digitalization has the potential to be a double-edged sword. Based on this overall description, the main issue that emerges is the challenges of law enforcement against corruption in the digital era within an electronic government system faced with unclear norms. This problem is not merely technical in nature but also involves philosophical, juridical, and sociological aspects of the Indonesian legal system. Therefore, an ideal legal construction is needed that can comprehensively integrate aspects of technology, criminal law, and administrative law. This effort is crucial to ensure the effectiveness of corruption eradication and to realize the goals of the law, which include justice, certainty, and benefit.

## METHODOLOGY

The research method used in this article is a normative legal research method with a statutory approach and a conceptual approach. Normative legal research focuses on the study of applicable legal norms, particularly those related to the regulation of the Electronic-Based Government System (SPBE) and the eradication of corruption in the digital context. The statutory approach is carried out by examining various regulations such as Presidential Regulation Number 95 of 2018 concerning SPBE, the Corruption Eradication Law, and the Electronic Information and Transactions Law. Meanwhile, the conceptual approach is used to analyze legal concepts such as norm ambiguity, legal certainty, and criminal liability in electronic government systems. According to Peter Mahmud Marzuki, normative legal research is a process of discovering legal rules, legal principles, and legal doctrines to address the legal issues faced, making it relevant for use in studying the problem of norm ambiguity in law enforcement in the digital era.<sup>11</sup>

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<sup>9</sup> Budianto, A. S., Fransisca, I., & Tedjokusumo, D. D. (2024). Perluasan dari Alat Bukti Tertulis dalam Perspektif Hukum Acara Perdata. *Law, Development and Justice Review*, 7(2), 124-140. <https://doi.org/10.14710/ldjr.7.2024.124-140>

<sup>10</sup> Sentana, I. P. G. P., Purwani, S. P. M., & Satyawati, N. G. A. D. (2025). PENYELESAIAN MASALAH KETERSINGGUNGAN HUKUM PIDANA DAN HUKUM ADMINISTRASI NEGARA DALAM PENYALAHGUNAAN DISKRESI PEJABAT PUBLIK. *Kertha Semaya: Journal Ilmu Hukum*, 13(12), 2858-2872. <https://doi.org/10.24843/KS.2025.v13.i12.p10>

<sup>11</sup> Sukmawan, Y. A., & Damayanti, D. (2025). Metode Penelitian Hukum Normatif dan Empiris sebagai Strategi Penguatan Perspektif Kajian Ilmu Hukum. *Notary Law Journal*, 4(3), 114-128. <https://doi.org/10.32801/nolaj.v4i3.116>

The types of legal materials used in this research include primary, secondary, and tertiary legal materials, which are analyzed qualitatively. Primary legal materials consist of relevant laws and court decisions, while secondary legal materials include literature, scientific journals, and the opinions of legal experts related to the research topic. Tertiary legal materials are used as supplements, such as legal dictionaries and encyclopedias. The legal material collection technique is carried out through library research, which is then analyzed using prescriptive analysis methods to provide legal arguments for the issues being studied. As stated by Soerjono Soekanto, legal research is essentially a scientific activity based on certain methods, systematics, and thinking that aims to study one or several legal phenomena through analysis.<sup>12</sup> Thus, this method allows the author to formulate an ideal legal construction in responding to the challenges of law enforcement against corruption in the digital era.

## RESULTS AND DISCUSSION

### *Normative Analysis of the Regulation of Electronic-Based Government Systems (SPBE) and the Eradication of Criminal Acts of Corruption from the Perspective of Legislation in Indonesia*

The normative construction of the Electronic-Based Government System (SPBE) in Presidential Regulation Number 95 of 2018 is essentially designed as an integrative system that unites various government administrative processes into a coordinated digital platform. This regulation emphasizes that SPBE is not merely the digitization of services, but rather a comprehensive transformation of government governance that prioritizes the integration of data, processes, and services between agencies. From a state administrative law perspective, this reflects an effort to achieve effective and efficient government administration through a systemic approach. However, normatively, the scope of this regulation still focuses on technocratic aspects and has not fully accommodated the dimension of legal accountability for system implementation. This condition indicates a regulatory orientation that places more emphasis on system development than on strengthening legal control mechanisms. As a result, the potential for system abuse has not been adequately anticipated within the existing normative framework.

The principles of interoperability, information security, and electronic-based governance, which are the main pillars of SPBE, are conceptually in line with the needs of bureaucratic modernization.<sup>13</sup> Interoperability is intended to ensure connectivity between systems, thereby preventing data fragmentation and improving the quality of policymaking. Meanwhile, information security is a crucial aspect in protecting the integrity and confidentiality of state data. From a prudential principle perspective, strengthening system security should be a top priority in regulations. However, existing regulations are still general and lack clear operational standards, potentially creating legal loopholes. This lack of clarity opens up opportunities for misuse of access and data manipulation that are difficult to detect.

When examined from the perspective of the general principles of good governance (AUPB), the implementation of SPBE normatively reflects the principles of transparency, accountability, and efficiency. Digitalization allows every administrative process to be electronically documented, allowing for more accurate auditing and tracing. This aligns with the principle of transparency, which demands openness to public information. Furthermore, electronic-based systems also support accountability because every

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<sup>12</sup> Zainuddin, M., & Karina, A. D. (2023). Penggunaan metode yuridis normatif dalam membuktikan kebenaran pada penelitian hukum. *Smart Law Journal*, 2(2), 114-123.

<sup>13</sup> Dewi, Y. S. (2025). Sistem Pemerintahan Berbasis Elektronik (SPBE) sebagai pilar good governance: Refleksi tata kelola pemerintah daerah. *JIANA (Jurnal Ilmu Administrasi Negara)*, 23(1), 53-63. <https://doi.org/10.46730/jiana.v23i1.8247>

administrative action has a digital footprint. However, the effectiveness of implementing these principles depends heavily on the quality of implementation and the integrity of system administrators. Without strict oversight, a transparent system can be systematically manipulated by those with access.

Critically, the SPBE regulations in Presidential Regulation No. 95 of 2018 tend to be administrative in nature and do not address substantive law enforcement. This regulation focuses primarily on governance, system architecture, and inter-agency coordination, but does not provide clear legal consequences for system abuse. From a criminal law perspective, the absence of clear sanctions can weaken the law's coercive power.<sup>14</sup> This demonstrates a gap between administrative regulations and law enforcement needs in the context of government digitalization. Therefore, the SPBE is not yet fully capable of functioning as an effective corruption prevention instrument. This criticism emphasizes the need for integration between administrative law and criminal law in regulating the SPBE.

The limitations of the Presidential Regulation's norms are also evident in its inability to anticipate various forms of abuse of increasingly complex electronic systems. The regulation does not explicitly address liability for system failures, data leaks, or the manipulation of digital information. From a legal liability theory perspective, this ambiguity creates difficulties in determining which legal entities should be held accountable.<sup>15</sup> Furthermore, the lack of standardized security standards increases the risk of legal violations. This situation indicates that existing regulations are still reactive and not proactive in anticipating technological developments. Therefore, strengthening more specific and comprehensive norms is necessary.

The normative relationship between the SPBE and the legal regime for eradicating corruption demonstrates the need for stronger synchronization between the two regimes. The Corruption Eradication Law was primarily designed to address conventional crimes, and therefore does not fully accommodate digital-based crimes. In the context of the SPBE, the potential for corruption is no longer limited to direct abuse of authority but also encompasses the manipulation of electronic systems and data. Therefore, it is necessary to broaden the interpretation of the element of "unlawful act" to include digital-based actions. However, this expansion must be carried out carefully to avoid violating the principle of legality. The absence of specific regulations regarding cybercorruption is a fundamental weakness in the existing legal system. Furthermore, the norms in the Corruption Law have not been able to address the ever-evolving technology-based modus operandi. Crimes involving algorithms, system engineering, and the misuse of digital access require a different legal approach than conventional crimes. From the perspective of progressive legal theory, the law must be able to adapt to social and technological changes.<sup>16</sup> However, in practice, the law often lags behind these developments. This results in a gap between legal norms and empirical reality. Therefore, legal reform is a necessity to address the challenges of corruption in the digital age.

The position and role of the Electronic Information and Transactions (ITE) Law are crucial in the context of proving digital-based corruption. The ITE Law recognizes electronic evidence as valid evidence in the

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<sup>14</sup> Gea, M. Y. A., Agusmidah, A., & Rosmalinda, R. (2025). Analisis Sosiologi Hukum atas Penyalahgunaan Wewenang Tindak Pidana Korupsi dalam perspektif Anomie dan Realisme Hukum. *Jurnal Ilmiah Penegakan Hukum*, 12(2), 395-402. DOI: 10.31289/jiph.v12i2.16616

<sup>15</sup> Karuni, I. D., & Novelin, T. (2025). KORPORASI SEBAGAI SUBJEK HUKUM PIDANA: ANALISIS YURIDIS PERTANGGUNGJAWABAN PIDANA DALAM KASUS TINDAK PIDANA KORUPSI. <https://ejournal4.unud.ac.id/index.php/wicara/article/view/764>

<sup>16</sup> Hafid, M. M. (2025). Transformasi Sosial dan Adaptasi Hukum: Analisis Sosiologis atas Dinamika Hubungan Hukum dan Perubahan Sosial di Indonesia. *Journal of Citizenship*. <https://doi.org/10.37950/joc.v4i2.580>

judicial system. This represents a progressive step in adapting procedural law to technological developments. However, this regulation still has limitations, particularly in the technical aspects of digital forensics. Furthermore, the use of the ITE Law to prosecute perpetrators of digital corruption is limited because its primary focus is not on corruption. The potential for overlapping norms between the ITE Law and the Corruption Eradication Law could also create legal uncertainty in judicial practice.

Critically, weaknesses in digital forensic regulations indicate that the Indonesian legal system is not fully prepared to address the challenges of providing evidence in technology-based crimes. Standards for the collection, security, and analysis of digital evidence are not yet comprehensively regulated by law.<sup>17</sup> From a theoretical perspective, the validity of evidence is crucial to the success of law enforcement. This lack of clarity in standards has the potential to weaken the public prosecutor's position in proving digital corruption cases. Furthermore, differing interpretations among law enforcement officials can lead to disparities in court decisions. Therefore, strengthening regulations specifically governing digital evidence in corruption crimes is necessary.

The principle of legality is the main foundation in criminal law which requires that every act can only be punished if it has been clearly regulated in applicable laws and regulations.<sup>18</sup> In digital-based corruption, this principle faces serious challenges because the rapid development of technology is not matched by the speed of legal norm formation. Clarity in the formulation of criminal norms is crucial to prevent arbitrary criminalization and legal vacuums in prosecuting perpetrators of digital crimes. From the perspective of legal certainty theory, vague or multi-interpretable norms will blur the line between prohibited and permitted acts. Therefore, the formulation of specific criminal norms that adapt to technological developments is imperative. Without such clarity, the principle of legality has the potential to lose its relevance in addressing modern crime.

The inability of conventional norms to address digital crimes demonstrates the phenomenon of legal lag, a delay in the law's response to social and technological changes. The norms in the Corruption Eradication Law were originally designed to regulate physical and administrative corruption, not electronic systems. In practice, the modus operandi of digital corruption involves data manipulation, system engineering, and algorithm abuse, which are not explicitly regulated in existing norms. This makes it difficult to qualify these acts as corruption. From a progressive legal perspective, this situation demonstrates that the law must dynamically adapt to societal developments. Without normative reform, the law will lose its reach against technology-based crimes.

The risk of multiple interpretations in the application of criminal law to electronic system-based cases is a logical consequence of unclear norms. Law enforcement officials may have differing interpretations when determining whether an act constitutes corruption or simply an administrative violation. From the perspective of legal interpretation theory, multiple interpretations can lead to inconsistencies in law

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<sup>17</sup> Ibrahim, M. K., & Atmaja, Z. F. H. (2025). Urgensi Pembaruan Hukum Dalam Menghadapi Kejahatan Yang Melibatkan Teknologi Kecerdasan Buatan AI. *Journal of Legal, Political, and Humanistic Inquiry*, 1(2), 106-115. <https://doi.org/10.65310/2dk3wh05>

<sup>18</sup> Putranto, A. C., & Triadi, I. (2025). Konsep Hukum Pidana Adat Pasca Pemberlakuan Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana Perspektif Living Law. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(5), 7317-7338. <https://doi.org/10.61104/alz.v3i5.2372>

enforcement and potentially lead to disparities in decisions.<sup>19</sup> This situation not only harms the perpetrator but also the victim and society at large. Furthermore, multiple interpretations also open up opportunities for abuse of authority by law enforcement officials. Therefore, clarity of norms is an absolute requirement for ensuring justice and legal certainty.

The implications of unclear norms for human rights protection cannot be ignored. In the context of criminal law, every individual has the right to clearly understand what actions are prohibited and what sanctions will be imposed.<sup>20</sup> Unclear norms can lead to violations of the principles of due process of law and fair trial. Furthermore, legal uncertainty can also foster public fear and distrust of the legal system. From a justice theory perspective, the law must provide balanced protection between state interests and individual rights. Therefore, reformulating criminal norms is crucial to ensuring human rights protection in the digital age.

The need for reformulation of criminal norms that adapt to technological developments is an urgent need that cannot be postponed. This reformulation must include expanding the definition of corruption to encompass digital-based acts, including data manipulation and misuse of electronic systems. Furthermore, it is necessary to explicitly regulate criminal liability in the context of electronic systems, for both individuals and corporations. From a legality perspective, this reformulation must adhere to the principles of *lex certa* and *lex stricta* to avoid multiple interpretations. Legal reform must also be supported by increasing the capacity of law enforcement officials to understand digital technology. This way, the law can function effectively in addressing the challenges of corruption in the digital era.

An evaluation of the harmonization and synchronization of laws and regulations reveals disharmony between the SPBE regulations, the Corruption Crimes Law, and the Electronic Information and Transactions Law. Each regulation has a different focus, resulting in a lack of systematic integration in regulating digital-based corruption. From a legal systems theory perspective, this disharmony reflects weak coordination between lawmakers. Consequently, regulatory fragmentation has occurred, making it difficult for law enforcement officials to consistently enforce the law. This situation also has the potential to be exploited by criminals to evade legal action. Therefore, regulatory harmonization is a strategic step in improving the effectiveness of law enforcement.

The resulting regulatory fragmentation directly impacts the effectiveness of law enforcement against digital corruption. Law enforcement officials are often faced with different norms to prosecute perpetrators, which can create legal uncertainty. Furthermore, overlapping norms can also slow down the law enforcement process because they require complex interpretations. From the perspective of the principle of legal certainty, this situation clearly contradicts the principle that the law should provide clarity and ease of application. Therefore, efforts are needed to codify or integrate norms that comprehensively regulate digital-based corruption. This integration is expected to create a more systematic and effective legal system.

A normative analysis of the digital oversight and audit mechanisms within the SPBE indicates that existing regulations are still inadequate to prevent technology-based irregularities. The internal and external oversight stipulated in the SPBE is not yet supported by established digital audit standards. From an accountability perspective, every government system must be effectively monitored to prevent abuse of

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<sup>19</sup> Herlina, M. (2024). Konsep Penyusunan Norma Penjelasan Peraturan Perundang-Undangan Guna Mencegah Multitafsir Dalam Penegakan Hukum Di Indonesia. *Jurnal Penelitian Hukum Galunggung*, 1(3), 54-66. <https://doi.org/10.1234/jphgalunggung.v1i3.35>

<sup>20</sup> Rambe, R. F. A. K., & Sihombing, M. A. A. (2024). Implikasi perlindungan hak asasi manusia dalam hukum pidana. *Jurnal Ilmiah Penegakan Hukum*, 11(1), 24-31. <https://doi.org/10.31289/jiph.v11i1.11182>

authority.<sup>21</sup> However, the lack of clear standards results in suboptimal oversight. This opens up the opportunity for undetected corruption due to weaknesses in the oversight system. Therefore, strengthening digital audit mechanisms is crucial. The role of oversight institutions in preventing digital irregularities also faces significant challenges. Oversight institutions such as the Inspectorate and the Supreme Audit Agency (BPK) must have adequate technical capacity to conduct technology-based audits. However, in practice, this capacity remains limited, resulting in ineffective oversight. The absence of standard digital audit regulations further exacerbates this situation. From a supervisory theory perspective, the effectiveness of oversight depends heavily on the clarity of standards and the capacity of implementers. Therefore, it is necessary to establish regulations specifically governing digital audits and to increase the capacity of oversight institutions. Without such strengthening, the potential for corruption in digital systems will continue to increase and become difficult to control.

### ***Normative Ambiguity in Legal Accountability for Digital-Based Corruption in SPBE: Conceptual Analysis and Implications for Legal Certainty***

The concept of norm ambiguity in legal theory refers to a situation where a norm is not formulated clearly, firmly, and has definite boundaries, thus opening up wide room for interpretation. From the perspective of legal interpretation theory, norm ambiguity occurs when the formulation of a norm does not fulfill the principle of *lex certa*, which demands clarity and precision in legal formulation. HLA Hart's thinking on the "open texture of law" emphasizes that every legal norm has the potential for uncertainty in its application, especially when faced with new, unpredictable situations.<sup>22</sup> In this context, normative ambiguity is not only a technical formulation issue, but also relates to the limitations of legal language in addressing social and technological dynamics. However, in criminal law, normative ambiguity cannot be widely tolerated due to its potential violation of the principle of legality. Therefore, normative clarity is an absolute requirement for ensuring legal certainty and justice.

The causes of normative ambiguity in legislation can be traced to various factors, both substantial and structural. One of the main causes is the mismatch between socio-technological developments and the speed of legislation, resulting in norms being unresponsive to new realities. Furthermore, the use of general and multi-interpretable terminology in norm formulation also exacerbates this ambiguity. In SPBE, terms such as "system abuse" or "unauthorized access" often lack clear definitions in regulations. This creates ambiguity in the application of the law in practice.<sup>23</sup> Thus, the ambiguity of norms is a reflection of the weak quality of legislation which is unable to anticipate the complexity of modern legal phenomena.

The relationship between normative ambiguity and legal uncertainty is closely causal, with unclear norms directly leading to uncertainty in legal application. From the perspective of Gustav Radbruch's theory of legal certainty, the law must fulfill the element of clarity to provide definitive guidance for the public and

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<sup>21</sup> Sakti, F. T., Lestari, C. D., & Sumarni, E. (2023). Perspektif akuntabilitas dalam abuse of power pejabat publik di Indonesia. *Jurnal Dialektika: Jurnal Ilmu Sosial*, 21(2), 149-155. <https://doi.org/10.63309/dialektika.v21i2.170>

<sup>22</sup> Rilya, M. A. A., & Triadi, I. (2025). Positivism and Its Implications for Legal Science and Law Enforcement. *Media Hukum Indonesia (MHI)*, 3(4). <https://doi.org/10.5281/zenodo.17800493>

<sup>23</sup> Choirunnisa, L., Oktaviana, T. H. C., Ridlo, A. A., & Rohmah, E. I. (2023). Peran Sistem Pemerintah Berbasis Elektronik (SPBE) Dalam Meningkatkan Aksesibilitas Pelayanan Publik di Indonesia. *Sosio Yustisia: Jurnal Hukum dan Perubahan Sosial*, 3(1), 71-95. <https://doi.org/10.15642/sosyus.v3i1.401>

law enforcement officials.<sup>24</sup> The ambiguity of norms results in the absence of objective standards for determining whether an act constitutes a violation of the law. This results in inconsistencies in law enforcement, as each official can interpret the norms differently. Consequently, the law loses its predictability. This situation has the potential to undermine public trust in the legal system as a whole.

An analysis of norms that lack clear boundaries shows that this ambiguity often creates excessive discretion for law enforcement officials. Uncontrolled discretion can lead to abuse of power, which contradicts the principles of the rule of law.<sup>25</sup> In digital corruption, the unclear boundaries of norms make it difficult to define what constitutes a criminal offense. This also creates a dilemma in distinguishing between technical errors, administrative negligence, and criminal acts. From the perspective of administrative law theory, the boundaries between the administrative and criminal spheres must be clearly defined to avoid excessive criminalization. Therefore, norms that lack clear boundaries actually weaken the effectiveness of the law itself.

The impact of normative ambiguity on the consistency of law enforcement is significant, particularly in cases involving digital technology. Law enforcement officials can produce different decisions in cases with similar characteristics due to differing interpretations of vague norms. This creates disparities in decisions that contradict the principle of justice. Furthermore, normative ambiguity also increases the potential for selective enforcement, where the law is applied inconsistently or even discriminatory. From the perspective of the principle of equality before the law, this situation clearly contradicts the principle of equality before the law. Therefore, normative clarity is key to maintaining the consistency and integrity of law enforcement.

The ambiguity of norms regarding the determination of legal liability in the context of Electronic System Protection (SPBE) is a crucial issue. The lack of clarity regarding who is responsible for the misuse of electronic systems creates difficulties in the law enforcement process. In practice, responsibility can involve various parties, from individual users and public officials to technology system providers. However, existing regulations do not provide clear boundaries regarding the division of responsibility. From the perspective of criminal liability theory, the determination of legal liability must be based on the existence of fault (schuld) and a causal relationship between the act and the resulting consequences. This ambiguity has the potential to lead to impunity for perpetrators.

An analysis of the concept of corporate criminal liability in the digital context shows that the Indonesian legal system is not yet fully prepared to accommodate the complexity of liability in the electronic environment. In many cases, corporations, as system providers, play a significant role in the misuse of technology, yet are difficult to hold accountable due to limited legal norms. From a corporate liability theory perspective, corporations can be held accountable if there are errors in their internal control systems or negligence in supervision.<sup>26</sup> However, without clear regulations, the implementation of this concept is ineffective. This opens up opportunities for corporations to avoid legal responsibility. Therefore, strengthening norms regarding corporate accountability is crucial.

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<sup>24</sup> Afdhali, D. R. (2023). Idealitas penegakkan hukum ditinjau dari perspektif teori tujuan hukum. *Collegium Studiosum Journal*.

<sup>25</sup> Hafendi, D., & Silalahi, W. (2024). Diskresi Sebagai Instrumen Penegakan Hukum: Kajian terhadap Kewenangan Kepolisian Berdasarkan UU Kepolisian. *Jurnal Hukum Lex Generalis*, 5(12). <https://ojs.rewangrencang.com/index.php/JHLG/article/view/1443>

<sup>26</sup> Agustinus, A., & Arifin, R. (2025). Corporations and Environmental Crimes: A Legal Analysis of Criminal Liability in Indonesia. *Semarang State University Undergraduate Law and Society Review*, 5(2), 1405-1433. <https://doi.org/10.15294/lsr.v5i2.25691>

The ambiguity of norms regarding the boundaries of digital-based unlawful acts also raises serious issues in law enforcement practices. The unclear classification of administrative errors and criminal acts leads to inconsistencies in law enforcement. In some cases, acts that should be categorized as administrative violations are instead processed as criminal acts, or vice versa. This situation creates the risk of overcriminalization and undercriminalization, both of which are detrimental. Furthermore, the expansion of the definition of unlawful acts in the digital context is often carried out without a strong normative basis. As a result, legal protection for both perpetrators and victims is suboptimal. Therefore, the formulation of clearer and more proportional norms is needed to define the boundaries of unlawful acts in the digital era.

The ambiguity of norms regarding system security standards and digital audits in the implementation of SPBE indicates a fundamental weakness in regulatory construction, which has failed to anticipate the complexity of technological risks. The absence of clear legal standards regarding the security of electronic government systems has resulted in varying interpretations and implementations of data and system protection across agencies. From the perspective of the principle of legal certainty, this situation clearly contradicts the need for uniform and predictable norms. Furthermore, the absence of normative parameters for determining whether a violation constitutes negligence or intent creates difficulties in the law enforcement process. In the theory of criminal liability, the distinction between *dolus* and *culpa* is a fundamental aspect that must be clearly proven.<sup>27</sup> However, in the context of digital systems, these boundaries become blurred due to the absence of concrete normative standards.

An analysis of the prudential principle in digital system management shows that this principle has not been optimally internalized in SPBE regulations. The prudential principle should require every system operator to ensure maximum system security, reliability, and integrity. However, without clear normative indicators, this principle remains merely an abstract norm that is difficult to implement. In practice, system operators can easily avoid responsibility by claiming that no standards have been explicitly violated. This situation opens up room for moral hazard practices in electronic system management. Therefore, it is necessary to concretize the prudential principle into operational and binding norms.

The lack of established standards in digital auditing also creates legal loopholes that can be exploited by technology-based corruption. Digital auditing should be a primary tool for detecting and preventing irregularities in electronic government systems. However, without a clear legal framework, digital audits are often not conducted systematically and comprehensively. From a supervisory theory perspective, the effectiveness of oversight depends heavily on clear standards and implementation mechanisms.<sup>28</sup> This weakness allows for system manipulation that goes undetected by internal and external oversight mechanisms. Consequently, the potential for state losses due to digital corruption increases.

The implications of this unclear norm for the accountability of system administrators are significant. In an electronic-based government system, accountability relates not only to results but also to the process of managing the system itself. However, without clear standards, it is difficult to assess whether an action meets the principles of accountability. From the perspective of the principle of accountability, every action of state administrators must be legally and morally accountable. Unclear norms actually weaken these

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<sup>27</sup> Nano, V. J., Sahay, T., & Pramita, C. Y. (2026). Analisis Teoritis Dolus dan Culpa Dalam Konsep Kesalahan sebagai Dasar Pertanggungjawaban Pidana. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 4(2), 6241-6251. <https://doi.org/10.61104/alz.v4i2.5100>

<sup>28</sup> Sarinah, S., & Rijal, M. (2025). PERANAN FUNGSI PENGAWASAN SEBAGAI INSTRUMEN PENINGKATAN PELAYANAN PUBLIK PADA INSPEKTORAT KOTA KENDARI. *Aspirasi: Jurnal Ilmiah Administrasi Negara*, 6(2), 38-50. <http://dx.doi.org/10.53712/aspirasi.v6i2.2719>

accountability mechanisms. Therefore, strengthening norms related to digital security and auditing is an urgent need.

The ambiguity of norms regarding the proof of digital corruption crimes also poses a serious obstacle to law enforcement. The unclear standards for the admissibility of electronic evidence have given rise to debate in judicial practice, particularly regarding the validity and integrity of digital evidence. From a criminal procedural law perspective, evidence must meet formal and material requirements to be admissible in court. However, in the digital context, these standards have not been comprehensively formulated in legislation. This makes it difficult for law enforcement officials to prove the elements of technology-based corruption crimes. As a result, many cases cannot be processed optimally.

The limited regulation of digital forensics in criminal procedure law further exacerbates this situation. Digital forensics is a crucial tool in uncovering technology-based crimes, but it lacks a strong and detailed legal basis.<sup>29</sup> In practice, the process of collecting, securing, and analyzing digital evidence often does not comply with international standards. This has the potential to reduce the evidentiary value of evidence presented in court. Furthermore, differing interpretations of digital evidence by law enforcement officials also lead to inconsistencies in law enforcement. This situation highlights the need for strengthened regulations specifically addressing technology-based evidence.

The implications of normative ambiguity on legal certainty (legal uncertainty) in the context of digital corruption are vast and complex. Uncertainty in legal application leaves law enforcement officials without clear guidelines for handling cases. This has the potential to lead to disparities in decisions in cases with similar characteristics. From a justice perspective, this disparity reflects injustice in the legal system.<sup>30</sup> Furthermore, legal uncertainty also impacts public trust in law enforcement agencies. Therefore, clarity of norms is a primary prerequisite for creating a just and effective legal system.

Reconstructing the concept of legal accountability in digital corruption is a strategic step to address various existing normative weaknesses. Renewing the concept of criminal accountability must include an integration of criminal law, administrative law, and cyber law to address the complexities of digital crime. Approaches such as strict liability and corporate liability can be considered to broaden the scope of legal accountability. In this context, corporations, as system providers, can no longer be absolved of legal responsibility for misuse of the systems they manage. Furthermore, strengthening the principle of accountability in electronic government systems is key to preventing digital corruption. Therefore, the formulation of an ideal legal concept must be able to provide certainty, justice, and effectiveness in law enforcement in the digital era.

## CONCLUSIONS

The digitalization of government through the implementation of the Electronic-Based Government System (SPBE) is normatively designed to strengthen transparency, accountability, and efficiency in order to prevent corrupt practices. However, its implementation has presented new challenges in the form of the emergence of digital-based corruption that is more complex and difficult to detect. The main weakness lies

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<sup>29</sup> Mawlidya, A. (2025). PENERAPAN DIGITAL FORENSIK DALAM MENGIDENTIFIKASI PELAKU PENIPUAN DAN PERAN DIGITAL FORENSIK SEBAGAI ALAT BUKTI. *Causa: Jurnal Hukum dan Kewarganegaraan*, 15(7), 91-100. <https://doi.org/10.6679/twqykf83>

<sup>30</sup> Kusyandi, A., & Yamin, S. (2023). Disparitas Putusan Hakim Pidana Berkualitas Yang Mencerminkan Rasa Keadilan Dalam Sistem Hukum Indonesia. *Yustitia*, 9(1), 122-132. <https://doi.org/10.31943/yustitia.v9i1.173>

in the legal construction that is not yet adaptive, characterized by the vagueness of norms in the regulation of legal accountability, system security standards, and digital evidence mechanisms that have not been clearly and comprehensively formulated. This condition creates legal uncertainty, opens up room for multiple interpretations, and has implications for inconsistencies in law enforcement, ultimately weakening the effectiveness of corruption eradication in the digital era. Furthermore, disharmony between various regulations such as the SPBE, the Corruption Crime Law, and the Electronic Information and Transactions Law further exacerbates legal fragmentation, which hinders law enforcement from optimally prosecuting technology-based crimes. Therefore, to address the issues raised in this article, an integrative and progressive legal reconstruction is needed through a reformulation of criminal norms that adapt to technological developments, strengthening digital evidence regulations, and affirming legal accountability for both individuals and corporations in electronic government systems. Therefore, only through comprehensive legal reform oriented toward certainty, justice, and expediency can law enforcement against corruption in the digital era be effective and able to address the challenges of electronic government systems.

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