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An Integrative Law Theory Approach to Address Corruption in Indonesia's Social Security Agency for Health

Zainal Abidin^{1*}, Ahmad Ma'mun Fikri¹

¹ Universitas Islam Nusantara, Bandung, Indonesia

* Corresponding author: Zainal Abidin (zaesurgeon77za@gmail.com)

Abstract

Corruption in Indonesia's health sector remains high, scoring 34/100 in 2023 and ranking 115th out of 180 countries, undermining the quality of health insurance services and social protection. This study aims to address corruption at the Social Security Agency on Health using the Integrative Law Theory. A normative legal method with comparative and conceptual approaches was applied to qualitatively analyze corruption issues. Findings show that Denmark enforces strict anti-corruption laws emphasizing transparency, accountability, integrity, independent oversight, and international cooperation. In Indonesia, anti-corruption regulations include the Corruption Eradication Law, the Corruption Law, and the role of the Corruption Eradication Commission, supported by regulations on public service and procurement. Applying Integrative Law Theory at the Social Security Agency on Health involves combining legal principles, local values, and multidisciplinary approaches, including enhanced transparency, robust internal oversight, non-litigation strategies, dynamic policy adaptation, and alignment with Pancasila values. Adopting these measures is expected to strengthen organizational integrity and improve the effectiveness of public fund management.

Keywords

Accountability, Corruption, Integrative Legal Theory, Social Security Agency on Health, Public Fund Management, Transparency.

1. Introduction

Corruption poses severe risks to a nation, including economic collapse, a weakened education system, and poor health services (Zuber, 2018; Rosikah & Listianingsih, 2022; Disyahputra, 2023). In 2023, Indonesia scored 34/100 and ranked 115th out of 180 countries, indicating persistent corruption, particularly in health-sector procurement. This sector experiences major losses due to corruption involving medical equipment, drug development or rehabilitation, health insurance, and the construction or rehabilitation of community health centers and hospital areas funded by substantial curative budgets at national and regional levels. Actors implicated in health-related corruption include the Ministry of Health, regional health offices, hospitals, the Food and Drug Authority (*Badan Pengawas Obat dan Makanan*/BPOM), community health centers, and state-/region-owned health enterprises (Rizqulloh, 2020).

According to Indonesia Corruption Watch (ICW), Indonesia recorded 791 corruption cases in 2023, involving 1,695 suspects and causing state losses of IDR 4 trillion. The village sector accounted for the highest number of cases, with 187 incidents resulting in IDR 25 billion in losses (Nabilah, 2024). In 2016, the government allocated substantial capitation funds through the Social Security Agency for Health (*Badan Penyelenggara Jaminan Sosial Kesehatan*/BPJS Kesehatan) to 9,767 community health centers and other primary health facilities (*Fasilitas Kesehatan Tingkat Pertama*/FKTP) nationwide, reaching trillions of rupiah, with similar allocations estimated in 2017. Each FKTP received an average of IDR 400 million annually, yet these funds were frequently misused at the regional level. ICW identified eight corruption cases involving capitation funds between 2014 and 2018, causing state losses of IDR 5.8 billion and involving 14 suspects. Although the number appears small, corruption occurred not only among lower-level bureaucrats such as health center heads and treasurers but also among health officials and regional leaders. The recorded cases remain limited because only those that have reached the suspect determination stage are included (ICW, 2018).

Based on the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*/KPK) investigative research, four weaknesses were found in the management of capitation funds in health centers, namely regulation, financing, administration, and supervision. At the regulatory level, there are problems in the distribution of capitation funds for services (*Jaspel*) and operational costs. At the financing level, participants are still allowed to transfer from community health centers to private health facilities. In terms of administration, there are issues with participant eligibility and verification. Meanwhile, at the supervision level, no funds are specifically allocated for the supervision of capitation fund management (Dewi & Febri, 2018).

Fraud at the hospital level was uncovered through a new monitoring system developed by the Social Security Agency for Health to detect potential abuse and improve financial conditions. According to the agency's director, the hospital submitted fraudulent claims worth billions of rupiah, causing state losses. Sanctions for such violations remain administrative, including verbal and written warnings, repayment of losses, fines, and potential license revocation.

Tolerance of errors and fraud ultimately threatens national welfare. Therefore, strong political will from the president and government, along with public and institutional commitment, is essential to address the root causes of corruption. This requires system reforms and improved service quality within the national health insurance program to ensure protection and social welfare for all citizens, as mandated by Article 28H and Article 34 of the 1945 Constitution (Rizal et al., 2020).

Denmark, unlike Indonesia, ranked as the least corrupt country in 2022 with a score of 90. The country upholds high standards of governance and public-sector

transparency, supported by citizen compliance that reinforces its strong anti-corruption culture (Erwina & Inten, 2023). Denmark is widely recognized for its stable, democratic, inclusive, and low-corruption political and economic institutions (Jensen, 2014). Previous studies, including Zuber (2018), argue that corruption can be mitigated through strengthened character education, proposing an anti-corruption curriculum using methods such as democratic learning, joint exploration, active participation, role modeling, live-in activities, and value clarification. Building on this perspective, the present research applies a new approach to address corruption within the Social Security Agency for Health. This approach aims to offer a more holistic and effective strategy for preventing and addressing corruption, ultimately enhancing transparency, accountability, and efficiency in health service delivery.

The urgency of this research lies in the pressing need to eradicate corruption in Indonesia's social health insurance system. The Social Security Agency on Health is the backbone of providing affordable health services to the public, but various cases of corruption have damaged its credibility and efficiency. The integrative legal theory approach offers a holistic solution by combining various legal perspectives, including criminal law, administrative law, and civil law, to create a more comprehensive framework for handling and preventing corruption. By adopting this approach, it is hoped that a more transparent, accountable, and effective system can be created so that the Social Security Agency on Health can function in accordance with its original purpose, which is to provide quality health services for all Indonesians. This research is very important to fill the void in legal literature and provide practical guidance for policymakers and legal practitioners in their efforts to improve the existing system. This study examines the application of Integrative Law Theory to address corruption in the Social Security Agency on Health, analyzes differences between Denmark's and Indonesia's anti-corruption frameworks to inform institutional reforms, and assesses how integrated legal principles and multidisciplinary approaches can improve transparency, accountability, and public fund management.

2. Methods

This research employs a library research design, which relies extensively on published sources such as books, academic articles, legal texts, policy papers, and other documented materials relevant to the study's focus (Satory et al., 2024). As a method rooted in the systematic exploration of existing knowledge, library research allows the researcher to synthesize theoretical perspectives, legal frameworks, and empirical findings from various credible references. This approach is particularly appropriate for studies examining legal concepts and governance issues, as it provides a comprehensive understanding of how corruption is regulated and conceptualized within different legal systems.

The research adopts a normative legal approach, positioning law as a system of norms composed of legal principles, statutory regulations, institutional policies, and doctrinal interpretations (Santoso, 2021). By treating law as a normative structure, the study emphasizes how legal rules ought to function in regulating behavior, preventing abuses of authority, and safeguarding public interests. This method is well-suited for analyzing corruption in public institutions because it allows the researcher to evaluate existing legal provisions, identify gaps in regulation, and assess the alignment between normative expectations and actual practice.

Within the normative approach, two analytical techniques are employed: the comparative approach and the conceptual Approach. The comparative approach is used to examine anti-corruption frameworks in Indonesia and Denmark, allowing the researcher to identify differences in legal structure, institutional oversight, and cultural attitudes toward corruption. This comparison helps reveal best practices

that Indonesia could adopt to strengthen the Social Security Agency on Health governance. The comparative analysis is conducted based on normative criteria, including the clarity of legal norms, the strength of enforcement mechanisms, institutional independence, accountability procedures, transparency requirements, and the availability of legal remedies and sanctions.

Meanwhile, the conceptual approach is applied to clarify key legal concepts such as corruption, transparency, accountability, and integrative legal theory, by examining their normative functions, legal objectives, and relevance to principles of good governance and social justice. By analyzing these concepts, the researcher constructs a more precise understanding of how integrative legal theory can be operationalized to address corruption within the Social Security Agency on Health. Together, these methods enable a qualitative, theoretically grounded examination of corruption issues and potential reforms within Indonesia's social health insurance system.

3. Results and Discussion

3.1. Comparative Study of Corruption Handling

In Denmark, corruption is strictly regulated through various policies and legal frameworks to ensure transparency, accountability, and integrity in government and the public sector (Dei et al., 2022). Denmark's criminal law contains several key provisions addressing bribery, corruption, and abuse of trust, including Article 122 on bribery, Section 144 on the acceptance or offering of gifts to public officials, Section 144a on bribery in private transactions, and Article 299b on abuse of power or position. These legal foundations are strengthened by the government's strong commitment to transparency, as public financial reports and administrative information are made accessible to the public, even though no single transparency law exists. Oversight is further supported by the independent, which monitors public administration and responds to complaints regarding ethical violations or misuse of authority. Denmark also enforces a strict code of ethics for public officials and legislators to prevent conflicts of interest and strengthen integrity within the public sector. In addition, Denmark actively participates in international anti-corruption initiatives such as the United Nations Convention against Corruption (UNCAC), demonstrating its commitment to global governance standards. To support prevention efforts, Denmark has also implemented effective reporting mechanisms and whistleblower protections to ensure that individuals can safely report suspected corruption or unethical behavior.

In Indonesia, corruption is regulated through a comprehensive framework of laws and policies designed to prevent, combat, and prosecute corrupt practices at various levels of governance (Sofyanoor, 2022). The primary legal foundation is Law Number 31 of 1999 on the Eradication of Corruption, which outlines key provisions such as Article 2 on the definition of corruption, Article 3 on penalties for perpetrators, and Article 12 regarding the revocation of political rights. This framework is reinforced by the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi/KPK*), established under Law Number 30 of 2002 as an independent institution with authority to investigate, prosecute, and handle corruption cases nationwide. Additional regulations support corruption prevention efforts, including Government Regulation Number 71 of 2010 on Public Services, which sets standards for good governance, and Presidential Regulation Number 54 of 2010 on the Procurement of Goods and Services, aimed at minimizing corruption in government procurement processes. Law Number 20 of 2001 further strengthens the legal basis for combating corruption by amending and expanding earlier provisions. Indonesia also operates a specialized judicial body, the Corruption Court (*Tindak Pidana Korupsi/Tipikor*), to accelerate the handling of corruption cases

through dedicated legal procedures. Moreover, various government institutions implement internal oversight mechanisms and codes of ethics to promote accountability and prevent corrupt practices within public sector environments.

3.2. Comparative Anti-Corruption Frameworks

Differences in corruption-related policies and regulations between Indonesia and Denmark can be seen across several key aspects. In terms of legal systems and law enforcement, Indonesia adopts a civil law framework in which the Anti-Corruption Law serves as the primary legal foundation, with enforcement carried out by institutions such as the Corruption Eradication Commission and the Corruption Court. Denmark also follows a civil law system, but its law enforcement operates with a highly independent judiciary and strong enforcement bodies. Corruption cases in Denmark are handled through general courts under strict oversight, ensuring that violations are addressed firmly and consistently. Regarding the independence and transparency of legal institutions, Indonesia has made efforts to strengthen the autonomy and openness of institutions like the Corruption Eradication Commission, yet challenges remain due to political pressure and interference that can affect legal processes (Syahuri et al., 2022; Price, 2024). In contrast, Denmark is widely recognized for its highly independent judiciary and strong commitment to transparency and accountability. Its legal system enjoys a high level of public trust and is often regarded as one of the most effective systems in combating corruption.

In the area of anti-corruption culture and governance, Indonesia continues to implement governance reforms aimed at increasing accountability and transparency; however, cultural resistance to corruption is still uneven, and policy implementation often faces practical obstacles (Wibiastika & Darma, 2024; Paranata, 2025). Denmark, on the other hand, upholds a deeply rooted anti-corruption culture supported by strong integrity standards, high public trust, and well-established good governance practices that significantly reduce corruption risks. Finally, in terms of international cooperation, Indonesia actively participates in global anti-corruption efforts, particularly through the United Nations Convention against Corruption (UNCAC) and bilateral partnerships with other countries. Similarly, Denmark is deeply involved in international cooperation and is frequently cited as a global example of best practices in transparent, corruption-free governance.

The strengths and weaknesses of corruption eradication efforts in Indonesia and Denmark reflect the different institutional capacities, governance cultures, and societal attitudes of the two countries (Siagan et al., 2024; Su et al., 2025). Indonesia benefits from having independent bodies such as the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi/KPK*), which has played a significant role in uncovering major corruption cases and advancing national anti-corruption initiatives. The country has also adopted stricter laws and governance reforms aimed at improving transparency and accountability, supported by an increasingly active civil society that monitors and reports corruption. However, Indonesia continues to face challenges, particularly in ensuring consistent law enforcement that is free from political influence. A persistent culture of corruption in certain sectors further complicates reform efforts, and limited coordination among relevant institutions often reduces the overall effectiveness of anti-corruption strategies.

Denmark, by contrast, possesses structural advantages such as a highly independent judiciary and a governance system characterized by strong transparency and public trust. The country's culture strongly rejects corruption, with citizens actively participating in safeguarding institutional integrity. Law enforcement in Denmark operates effectively and is generally insulated from political pressure, contributing to its reputation as one of the least corrupt nations in the world (Su et al., 2025). Nonetheless, Denmark also faces certain limitations. Global corruption dynamics can create external challenges that affect international

cooperation, and maintaining strict anti-corruption standards requires substantial resources and broad societal support.

3.3. Integrated Governance Improvements

In the historical development of the legal system in Indonesia, the development of legal theories cannot be ignored. One of these is the emergence of integrative legal theory as a response to the aspiration to achieve legal objectives. This integrative legal theory is a combination of development legal theory and progressive legal theory that is relevant in the Indonesian context, inspired by the concept of law. This theory highlights the importance of law in Indonesian society, emphasizing that the legal system that governs society is inseparable from its culture, character, and geographical environment (Atmasasmita, 2012; Haryanto et al., 2025). Integrative legal theory attempts to accommodate some of the concepts of development law and progressive law (Saifullah, 2018).

However, integrative legal theory has its own distinctive characteristics. One of these is its emphasis on the use of values that have grown within society to formulate and implement laws. This does not mean rejecting outside influences, such as those from the West, but rather recognizing that every society has values that continue to live and evolve (the living law). These values can change towards new values that reflect legal certainty, benefit, justice, and can be dynamically maintained and preserved. In addition, this theory also directs the resolution of legal problems, especially conflicts, towards out-of-court settlements in accordance with the principles of the living law (Atmasasmita, 2012). In the context of bureaucracy, integrative legal theory promotes the development of bureaucracy and society. Bureaucratic development is carried out through systematic norms and behavior, while community development is carried out through systematic values. This system is rooted in the living law of society, especially in Indonesia, which is derived from the main values of the state and nation, namely Pancasila (Saifullah et al., 2020).

Satjipto Rahardjo's Progressive Law Theory emphasizes that law enforcement must be based on the conscience and sense of justice of the community (Nitisastro, 2010). The progressive law school does not place full trust in every government to produce pro-people legal products and takes an a priori stance that the legal products produced are flawed from the outset because they are dominated by the political interests of those in power (Rahardjo, 2009; Aulia, 2018; Kustanto, 2022).

Law, in the view of the integrative legal model, is a system of values, not merely a system of norms (development law) or a system of behavior (*progressive law*). The system of values is based on Pancasila as the ideological and philosophical foundation of the Republic of Indonesia and the 1945 Constitution as the constitutional foundation. The essence of integrative law is law that is proportionally pro-people and pro-state interests, and a means of resolving conflicts without social turmoil and prolonged processes of revenge. The principle of integrative law is peace and a just society without fear, which can be realized if members of society and those in power have equal standing before the law. Legal certainty and justice in the view of the integrative law model are not two goals that must be opposed to each other, but rather a single breath that is a *conditio sine qua non*; justice cannot be achieved without legal certainty, and there will be no legal certainty without creating justice (Mochamad, 2014).

According to Sayuti (2013), the future development of national law through an integrative legal theory approach can be realized in several important ways. First, lawmaking, whether through legislation or non-legislative mechanisms, should be grounded in the values that live and develop within society, including customary law (living law). This approach emphasizes that legal modernization does not require fully adopting foreign legal systems, but rather adapting them to the realities of local values, which have long been neglected in the Indonesian legal framework. Second, legislation should aim to create order, peace, and harmony while ensuring legal

certainty. In the integrative perspective, legislative products are intended not only to organize society but also to transform existing societal values into new ones that reflect certainty, benefit, and justice, while ensuring these values are dynamically maintained. Third, government actions must be limited by law, as the primary function of law is to serve as a means of societal renewal not as an instrument for rulers to impose their will, but as a mechanism that guides value transformation toward justice and public welfare. Fourth, the law must serve as a tool for resolving conflicts based on living societal values, including customary law. Because court-based dispute resolution often proves ineffective and may even prolong social, economic, and political tensions, integrative legal theory promotes dispute resolution mechanisms rooted in customary and local wisdom through out-of-court processes. These traditional approaches are considered more capable of resolving conflicts holistically while preserving social harmony.

Based on the theory above, integrative legal theory can be applied to address corruption within the Social Security Agency on Health by combining relevant legal principles, local values, and multidisciplinary approaches to build a system that is effective and responsive to Indonesia's context. First, the integration of development law theory and progressive legal theory can strengthen organizational structures while ensuring the protection of participants' rights. This integration encourages institutional and policy reforms that promote transparency and accountability in the operations of the Social Security Agency on Health, such as implementing regular workshops on transparency and accountability for its employees (Erwina & Inten, 2023). Second, integrative legal theory emphasizes the use of local values deeply rooted in Indonesian society, including mutual cooperation and social justice, to foster an anti-corruption culture and create a more ethical and responsible institutional environment. Community-based educational activities on transparency and responsible fund management can support this effort.

Third, combating corruption within the Social Security Agency on Health requires a multidisciplinary approach that incorporates legal, managerial, economic, and social perspectives. Integrative legal theory enables holistic solutions, including enhanced oversight systems, improved financial transparency, and comprehensive ethics and compliance training. The adoption of real-time information technology to monitor financial flows and claims is an example of such an approach. Fourth, integrative legal theory encourages the use of out-of-court dispute resolution mechanisms such as mediation and arbitration to address corruption-related conflicts more efficiently, reducing the burden on the judicial system. An independent mediation unit accessible to participants and healthcare providers could facilitate swift dispute resolution in cases such as claim disagreements or fund misuse (Atmasasmita, 2012).

Fifth, this theory emphasizes legal dynamism and adaptability, requiring continuous evaluation and adjustment of policies to remain effective in preventing corruption. Regular internal audits and participant satisfaction surveys can inform these updates. Finally, integrative legal theory supports the contextualization of Pancasila as the foundation of Indonesia's legal values. Principles such as social justice, humanity, and national unity can guide the formulation of anti-corruption policies and the cultivation of an integrity-based organizational culture (Gong & Lau, 2024). This may include aligning fund distribution with principles of fairness and conducting ongoing training on Pancasila and work ethics to reinforce integrity and justice within the Social Security Agency on Health (Saifullah et al., 2020).

The integrative legal theory can draw substantial inspiration from the Danish legal system in addressing corruption issues within the Social Security Agency on Health by combining principles of transparency, accountability, and strong oversight. Denmark is widely recognized for its high level of governmental transparency, where transactions, expenditures, and policies are openly accessible to

the public. In this context, the Social Security Agency on Health can implement a similar transparency mechanism through an online portal that allows the public to monitor fund utilization in real time. Financial statements and audit results should be released regularly, for instance through monthly expenditure and claim reports accessible to all participants.

Furthermore, the Social Security Agency on Health can enhance internal control by establishing an independent audit unit that reports directly to the supervisory board. This unit must conduct periodic audits and have the authority to carry out in-depth investigations when indications of fund misuse arise, such as by performing random audits of claims submitted by various healthcare facilities. Additionally, the institution may adopt robust protection policies to encourage the reporting of suspected corruption, including providing anonymous reporting channels and ensuring protection from retaliation (Rizqulloh, 2020). An anonymous third-party, managed reporting platform can be implemented to guarantee confidentiality.

Community involvement is also essential. The Social Security Agency on Health can engage participants and society through public consultation forums and educational campaigns. Regular discussions on new policies or service system changes can help strengthen participatory oversight, while educating participants about their rights and available reporting mechanisms for suspected corruption. Moreover, adopting advanced information technology can support more effective monitoring and management of cash flow and claims. Integrating all administrative and claims processes into a transparent digital platform allows each claim to be processed and tracked electronically, reducing opportunities for abuse.

The Social Security Agency on Health must ensure that every corruption case is handled decisively and transparently. This includes collaborating with law enforcement institutions such as the Corruption Eradication Commission and the Attorney General's Office to guarantee that offenders are prosecuted promptly and fairly. When corruption is detected, the agency should immediately report the case and provide full support throughout the legal process.

4. Conclusion

Based on the findings and discussion, it can be concluded that Denmark strictly regulates corruption through policies that emphasize transparency, accountability, and integrity. Its Criminal Code includes provisions on bribery and graft, supported by an independent ombudsman, strict ethical rules for public officials, and strong whistleblower protection. Denmark also actively supports international frameworks such as UNCAC. In Indonesia, corruption is addressed through Law Number 31 of 1999 and Law Number 20 of 2001, with the Corruption Eradication Commission, the Corruption Court, and various government regulations playing key roles in prevention, prosecution, and oversight.

Integrative legal theory offers a comprehensive framework for addressing corruption within the Social Security Agency on Health by combining legal principles, local cultural values, and multidisciplinary approaches. This theory emphasizes organizational strengthening, social justice, and dynamic, context-based policymaking rooted in Pancasila. It encourages improved oversight, financial transparency, and out-of-court conflict resolution.

Drawing inspiration from the Danish model, the Social Security Agency on Health can enhance transparency through real-time digital portals, establish independent audit units, and institutionalize whistleblower protection. Additional measures include involving participants in decision-making, digitalizing claims monitoring, collaborating with the Corruption Eradication Commission, conducting regular audits, providing ethics training, and organizing public education initiatives. Through these efforts, integrative legal theory can support the creation of a more effective, transparent, and corruption-resistant system. The implications of this

approach include improved governance quality, strengthened public trust, and the creation of a more transparent and responsive health security system. However, the application of integrative legal theory may face limitations such as institutional resistance, resource constraints, and variations in regional capacity. Therefore, future research can explore its practical implementation across different regions, assess the effectiveness of digital transparency tools, and compare anti-corruption models adopted by other low-corruption countries to provide broader insights and more refined policy recommendations.

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Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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