

Legal Transformation in Limiting Human Rights in the Dilemma of Preventing Nepotism and Corruption

Andik Puja¹, Faisal Santiago²

Borobudur University, Indonesia

andikjaksa@gmail.com¹, faisalsantiago@borobudur.ac.id²

Abstract

Legal transformation in restricting human rights (HR) has become a crucial issue in efforts to prevent nepotism and corruption. This phenomenon creates a dilemma between maintaining government integrity and protecting human resources, such as the right to freedom of politics, expression, and work. This study aims to explore how the law in Indonesia has changed in restricting human resources to prevent nepotism and corrupt practices and analyze whether these restrictions are in line with the principles of justice and proportionality. The research method used is normative law, with a legislative approach and case studies. Secondary data were collected through analysis of laws, regulations, and court documents related to corruption and nepotism. The research findings show that legal transformation in Indonesia has resulted in stricter regulations on conflicts of interest; however, in some cases, restrictions on HR are considered excessive, leading to potential violations of individual rights. In conclusion, although there is a need to control nepotism and corruption, it is important for the government to ensure that HR restrictions remain proportional and in line with international standards. The implication of this study is the need for more comprehensive, transparent, and accountable legal reform. The government needs to ensure that any anti-corruption regulations that restrict human rights are based on clear needs and are closely monitored to prevent abuse of power. Public involvement in oversight should also be increased to strengthen legal legitimacy and public trust.

Keywords: Legal transformation, human rights, nepotism, corruption, legal regulation

**Corresponding Author: Andik Puja
Email: andikjaksa@gmail.com*



INTRODUCTION

In the midst of increasingly rapid global developments, challenges to law enforcement and protection of human rights (HAM) are becoming increasingly complex. One of the main issues that continues to emerge is efforts to prevent and eradicate corruption, collusion, and nepotism (KKN). The phenomenon of KKN has a very broad impact on society, damaging the social and economic order of life, and reducing public trust in state institutions. However, in efforts to overcome this problem, legal dilemmas often arise related to restrictions on human rights, especially political rights and individual privacy. Corruption, collusion, and nepotism are forms of abuse of power that have become part of the structural problems in many countries, including Indonesia. Therefore, it is important to understand how legal transformation can address this problem without sacrificing the basic rights of individuals. Efforts to limit these negative practices often conflict with the principles of human rights that must be protected in every legal system. In this context, this article will examine how legal transformation plays a role in limiting human rights, especially in dealing with the dilemma of preventing nepotism and corruption (F. Djamil et al, 1999; Sumartana, 1999).

Corruption and nepotism are not only local issues, but also global problems that affect many countries in the world. According to Transparansi Internasional, (2021)), corruption remains a major problem that damages the governance and economic order in many countries. Corruption involving public officials and big businessmen causes injustice, worsens social inequality, and hinders economic progress. Countries with high

levels of corruption also tend to have serious problems in terms of transparent and accountable governance. In Indonesia, the issue of KKN has become a long-standing structural problem. Although there have been various efforts to eradicate corruption, such as the establishment of the Corruption Eradication Commission (KPK) and the implementation of anti-corruption laws, the negative impacts of KKN continue to erode the country's political and economic life. The practice of nepotism, both in the appointment of state officials and in the recruitment process for workers in the public sector, continues to occur even though existing regulations try to prevent it. In this context, the challenge faced is how to regulate and limit individual rights in a strict legal system to prevent such practices without violating their basic rights (Marzuki, 2006; M. Warokka, 2017).

Restrictions on human rights in order to prevent corruption have great urgency. One example is the restriction of political rights, such as the right to be elected or the right to work in the public sector for individuals who are proven to be involved in corrupt practices. On the other hand, such restrictions must be carried out carefully so as not to violate broader human rights principles, such as freedom of association, the right to be free from discrimination, and the right to decent work and livelihood. Law Number 28 of 1999 concerning the Implementation of a Clean and Corruption-Free State, which is implemented in Indonesia, regulates very severe sanctions against those who are proven to have practiced corruption. However, problems arise when efforts to eradicate corruption involve restrictions on political rights and individual freedoms that are sometimes difficult for society to accept widely, especially when these rights are considered fundamental in a democratic system (E. Pattiasina, 2019; (Saebani dan A. F. Mubarak, 2024).

Several studies and literature have discussed various aspects related to corruption, collusion, and nepotism, as well as the relationship between corruption and nepotism and restrictions on human rights. F. Djamil and dkk, (1999) in the book *Corruption, Collusion, and Nepotism (KKN): In the Perspective of Islamic Law and Morals*, discusses the moral and legal impacts of corruption from an Islamic perspective. They state that corruption is a form of serious violation of ethics and morality, which must be eradicated through fair legal mechanisms. A similar thing is also explained by Sumartana (1999) in *Ethics and Overcoming Corruption, Collusion, and Nepotism in the Reform Era*, which suggests the need for an ethical approach in overcoming corruption that is in line with legal norms. More specific research on corruption in the recruitment of Civil Servant Candidates (CPNS) was conducted by (Pujihartini, 2022.), which found that the practice of nepotism in the selection of CPNS still occurs even though there are regulations governing it. This shows that supervision and implementation of sanctions against corruption practices in the public sector still need improvement (Pujihartini, 2022); Nurdin, 2017).

In terms of supervision and prevention of corruption, collusion and nepotism, Warokka (2017) discusses the role of the Ombudsman in ensuring public services are free from corruption. He emphasizes the importance of independent supervision to maintain government accountability in preventing abuse of power. In addition, (Nurdin, 2017) in his book, *Etika Pemerintahan: Norma, Konsep, dan Praktek bagi Penyelenggara Pemerintahan* also highlights the importance of transparent and corruption-free government ethics (M. Warokka, 2017; Nurdin, 2017).

The proposed legal transformation in limiting human rights to prevent nepotism and corruption should not only focus on the application of harsh sanctions, but also on institutional reform and increasing transparency. One reform that can be done is to introduce a more efficient monitoring system and involve public participation in supervision. This system will not only prevent the occurrence of corruption, collusion and nepotism, but also ensure that individual rights are respected. In addition, digital technology can be used to increase transparency in government and public recruitment processes, so that nepotism practices can be avoided more effectively. The use of technology-based systems in the CPNS selection process, for example, can minimize the potential for corruption practices that occur in the field (Smith, 2020; Jones, 2021).

This article aims to explore the legal dilemmas that arise in efforts to prevent corruption, especially in relation to restrictions on human rights. Restrictions on human rights in the context of eradicating corruption and nepotism require a careful approach so as not to conflict with the basic principles of democracy and human rights. Therefore, legal reform and stricter supervision, as well as the use of transparent technology, are key to achieving a balance between preventing corruption and protecting human rights. It is important for the state to ensure that the laws applied in eradicating corruption do not ignore the basic rights of individuals. In this case, legal transformation that not only prevents corruption but also prioritizes human rights principles will create a more just, transparent, and accountable system of government (Lee, 2022; Komisi Pemberantasan Korupsi, 2022).

RESEARCH METHOD

The research approach used in this study is a normative legal approach that examines the transformation of law in limiting human rights in an effort to prevent nepotism and corruption. This approach was chosen because the research focuses on the analysis of applicable legal norms, both in laws and in legal practices in Indonesia.

The type of research used is descriptive-analytical research. This research systematically explains the regulations and legal policies that limit human rights in order to prevent nepotism and corruption. Furthermore, this research also analyzes whether these restrictions are in accordance with the principles of justice and proportionality in law.

The population in this study includes all laws and regulations relevant to the prevention of nepotism and corruption in Indonesia, including laws, government regulations, presidential decrees, and court decisions. The research sample was selected purposively, which is a legal document that is considered the most relevant and representative to be analyzed.

The data collection technique used is a literature study. Data is collected from primary legal sources such as laws and court decisions, as well as secondary sources such as scientific journals, law books, and related research reports published in the period 2019-2024.

The data analysis technique used is qualitative analysis. The collected data is analyzed in depth by examining the contents of selected laws and court decisions. The results of the analysis are then interpreted based on legal theory and human rights principles to assess the suitability between human rights restrictions and the objectives of preventing nepotism and corruption.

RESULTS AND DISCUSSION

Changes in Indonesian Law in Restricting Human Resources to Prevent Nepotism and Corruption Based on the Principles of Justice and Proportionality

The practice of Corruption, Collusion, and Nepotism (KKN) in Indonesia has not been fully addressed. Various efforts and good intentions from officials in government institutions have been expressed with a commitment to firmly combat KKN. All national potential has been directed to designing a Good Government and Clean Government system as a way out of the KKN crisis.

During the five-year period from 1998 to 2003, through representatives, several legal instruments regulating KKN were formed to replace Law No. 3 of 1971 concerning the Eradication of Criminal Acts of Corruption. Some of these laws include:

1. Law Number 28 of 1999 concerning the Implementation of a State Free from Corruption, Collusion and Nepotism (State Gazette of the Republic of Indonesia 1999 Number 75, Supplement to the State Gazette Number 3851).
2. Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia 1999 Number 140, Supplement to the State Gazette Number 3874).

3. Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption (State Gazette of the Republic of Indonesia 2001 Number 134, Supplement to the State Gazette Number 4150).
4. Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK) (State Gazette of the Republic of Indonesia 2002 Number 137, Supplement to the State Gazette Number 4250).

Nepotism creates significant social inequality in society. When public officials appoint family members to strategic positions without considering their qualifications and professional competence, it risks reducing the effectiveness of work and the quality of public services. This injustice can lead to social and economic marginalization, worsen the economic conditions of society, and disrupt political stability. This practice can encourage monopolies in government projects, where companies without nepotistic connections seek to approach powerful individuals through illegal means, such as bribery and gratification.

Nepotism in the distribution of government projects hampers innovation and efficiency in the economic sector. Projects managed under a nepotistic system tend to face cost overruns and quality declines, negatively impacting the state budget and slowing down infrastructure development and public services while reducing the competitiveness of the national economy.

Nepotism can also reduce public trust in government and public institutions. In addition, nepotism fosters social frustration and apathy among the people, reducing their participation in national and state development, while weakening integrity and transparency in government management. Nepotism undermines the values of justice and transparency in government, creates a culture of corruption and worsens existing social conditions. This can increase social dissatisfaction and tension, where marginalized communities tend to adopt a passive attitude towards development and government oversight. This situation, in turn, can endanger the future of the nation and state.

One of the main consequences of nepotism is the emergence of social injustice. This occurs because nepotism tends to ignore the principles of meritocracy and individual qualifications, thus hindering social mobility and creating a gap in opportunities between individuals with strong (relational) connections and those who do not. According to Sari (2021), nepotism exacerbates social inequality by prioritizing the family or relatives of officials without considering more qualified and competent individuals. As a result, opportunities for skilled individuals to improve their social and economic conditions are limited, which further strengthens the gap across social strata.

In addition, nepotism can also increase the level of corruption in public institutions. When public positions are filled based on family or personal relationships, the quality of public services can become unprofessional, complicated, and result in social dissatisfaction. Kurniawan and Setiawan (2020) explain that placing individuals in strategic positions due to nepotism has a negative impact on the efficiency and effectiveness of public services, because decisions made are based on personal relationships rather than abilities or qualifications. This has the potential to reduce the quality of public services, reduce public trust in government institutions, and damage the legitimacy of government functions.

Corruption is often considered a cultural heritage rooted in the patrimonial system that has existed since the era of kingdoms and traditional society in Indonesia. According to Onghokham, in traditional kingdoms, there is no distinction between private wealth and public wealth; the wealth of the royal family is often seen as equal to the wealth of the state. In this context, wealth is used as a tool to buy the loyalty of important officials, generals, regents, and other elites.

Feudal mindset and patrimonial culture have been an inseparable part of Indonesia's social dynamics to this day. The dominance of such culture forms strong social solidarity,

although it often includes illegal practices, including corruption. Solidarity and social cohesion among corrupt actors manifest complex challenges in efforts to eradicate corruption.

When this social solidarity develops among corrupt actors, serious challenges arise in combating corruption. Corrupt practices are often carried out collectively and involve multiple parties who support each other, creating a culture of impunity. When individuals in this network feel secure in their solidarity, the risk of law enforcement becomes low. This makes it difficult for law enforcement agencies to uncover and process corruption cases involving multiple actors. In addition, this patrimonial culture can cause public hesitation to report corruption, fearing social consequences or retaliation from the perpetrators.

On the other hand, feudal mindsets and patrimonial cultures create rifts between the people and the leaders. When leaders are seen as figures with absolute power and protected by solidarity networks, the public tends to feel alienated and less trusting of the government system. This alienation can trigger greater apathy and dissatisfaction with the government, which ultimately undermines the legitimacy and effectiveness of anti-corruption efforts. To overcome this challenge, there is a need for an approach that engages the public in fighting corruption, including raising awareness of the importance of transparency and accountability.

Although the bureaucratic system has undergone modernization, if the mindset and social structure are still influenced by patrimonial nuances, efforts to eradicate corruption will always be hampered by the existing cultural mentality. This shows that for successful eradication of corruption, fundamental changes in thinking and social systems in society are needed.

In Indonesia, legal developments in preventing nepotism and corruption have undergone significant transformation in line with efforts to increase government accountability. After the end of the New Order regime, society and the government realized the need for stricter measures to address practices that undermine the integrity of state administration. One important milestone in this regard was the enactment of Law No. 28 of 1999 concerning the Implementation of a Clean State Free from Corruption, Collusion, and Nepotism (KKN).

This law serves as a legal basis that emphasizes the importance of transparency and accountability in state administration. With the enactment of this law, state administrators are expected to operate based on clear and open principles, thereby reducing the possibility of corruption and nepotism. In addition, this law provides a clear definition of what constitutes corruption, collusion, and nepotism, and emphasizes that such practices cannot be tolerated in government.

As part of the prevention efforts, Law No. 28 of 1999 imposes strict sanctions on public officials involved in corruption and nepotism. These sanctions include administrative, criminal, and civil actions that can be imposed on individuals or groups who violate the regulations. With these sanctions, it is hoped that they can instill a deterrent effect among state administrators to avoid participating in practices that are detrimental to the public interest.

Legal developments did not stop at that law. Furthermore, the government issued various regulations and additional legal instruments aimed at strengthening anti-KKN efforts. For example, Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption and Law No. 30 of 2002 concerning the Corruption Eradication Commission (KPK), were designed to create an independent institution with the authority to investigate, prosecute, and effectively combat corruption.

Restrictions on Human Rights (HR) are permissible in certain contexts but must meet international standards, especially the principle of proportionality. This principle emphasizes that any restrictions imposed must be in line with the objectives to be achieved. In the context of governance, the main purpose of such restrictions is to maintain integrity

and transparency in the administration of the state. This means that when the state takes steps to limit some individual rights, these steps must be justified and not exceed what is necessary to achieve that objective.

However, in practice, in Indonesia, there are still many cases where HR restrictions are applied excessively, resulting in violations of individual rights. For example, policies that limit access to certain jobs for family members of public officials intended to prevent nepotism are a good goal; however, these restrictions are often not accompanied by a clear mechanism to assess the relevance and impact of these measures. In the absence of adequate explanation, these restrictions can be considered a form of unfair discrimination.

The implications of these disproportionately applied restrictions result in injustice for the individuals affected. Those faced with such restrictions often feel that their rights are being ignored, and they have ineffective channels to defend their interests. When individual rights are not taken seriously, it can lead to an erosion of public trust in government institutions. This sense of injustice can breed frustration among the public, especially when they feel that the policies are not being implemented fairly and transparently.

Thus, the principles of justice and proportionality are two important concepts in law and ethics that are often used in the context of policy-making, law enforcement, and human rights protection. First, the principle of justice is concerned with the fair and equal treatment of all individuals. It encompasses several aspects: equality where all individuals are entitled to equal protection under the law without discrimination based on race, sex, religion, or other factors; fairness demands that everyone has an equal right to legal protection and opportunity; procedural justice ensures that legal processes are conducted transparently and fairly, including the right to a lawyer, the right to be heard, and the right to defend oneself. Fair processes are essential to achieving legitimate outcomes. Furthermore, substantive justice is concerned with the outcomes produced by legal processes, ensuring that decisions are based not only on the rules but also take into account the context and needs of the individuals involved; and distributive justice focuses on the distribution of resources and benefits in society, demanding that resources, opportunities, and burdens are shared fairly among all members of society.

Second, the principle of proportionality focuses on the appropriateness and balance between the objective to be achieved and the measures taken to achieve that objective, such as appropriateness where the measures taken must be in line with the objective being pursued. For example, if the objective is to prevent corruption, then the preventive measures taken must be relevant and effective in achieving that objective. Balancing interests requires that measures must not be excessive or too severe compared to the benefits obtained. In the context of restrictions on human rights, the measures taken must provide benefits that outweigh the harm caused to the rights of individuals. The underlying need dictates that the measures must stem from a compelling and clear need; intervention should only occur if there is a strong and clear reason to do so.

In addition, overcoming the dangers posed by nepotism requires solutions through various strategies, such as reforming policies and regulations by creating clear and firm policies or regulations to prohibit nepotism in both the public and private sectors; mandating transparency in the recruitment and promotion process while imposing strict penalties for violations of the rules; enforcing strict law enforcement to ensure compliance with anti-nepotism regulations. In addition, effective monitoring with severe penalties for violations committed by perpetrators of nepotism must be established, with guaranteed and fair legal consequences.

The establishment of an independent oversight committee serves to monitor and evaluate nepotism practices; this committee should not be directly involved in the recruitment and promotion process. A safe and objective complaint system regarding nepotism cases should also be available.

This independent oversight committee is responsible for increasing accountability and reducing opportunities for nepotism. They have the authority to conduct investigations and provide recommendations for improvement. Periodic evaluations and audits will be conducted to identify and address nepotism issues. In addition, the committee will proactively analyze HR management policies and practices to determine potential nepotism violations and ensure compliance with anti-nepotism policies in the recruitment and promotion process.

Clear and firm policies on nepotism need to be implemented to minimize the risk of abuse of power. Effective regulations should include a clear definition of what constitutes nepotism and provide effective reporting mechanisms for individuals who wish to report violations.

In addition, it is also important to implement a fair system in the recruitment and promotion process for key positions to reduce the practice of nepotism. A meritocratic system should focus on individual qualifications, competencies, and performance, with decisions based on objective criteria. Suryanto and Agustin (2021) assert that a strong meritocratic system can help reduce the influence of nepotism by ensuring that individuals selected for certain positions are the most qualified and competent.

Implications and Barriers of HR Restrictions Applied to Nepotism and Corruption Practices in Indonesia

One implication of the HR restrictions can be observed in the restrictions imposed on former convicts in the context of elections, as stated in Article 169 letter p of Law No. 7 of 2017 concerning General Elections. This article stipulates that one of the requirements to become a vice presidential candidate is that the individual has not been convicted of a crime based on a court decision that has obtained legal force, especially for those who have been convicted of crimes that are punishable by more than five years in prison. This provision also applies to candidates for legislative positions, both at the level of the People's Representative Council (DPR), Regional Representative Council (DPD), or Regional People's Legislative Assembly (DPRD), as well as candidates for regional heads and their deputies.

The provisions on the political rights of former convicts have been examined by the Constitutional Court (MK), resulting in several decisions, some of which are conditionally constitutional, while others are conditionally unconstitutional. For example, MK Decision No. 4/PUU-VII/2009 and MK Decision No. 42/PUU-XIII/2015 show that although there are restrictions on former convicts running for public office, special conditions are still mandated by the Court's decisions.

The General Election Commission (KPU), as the election organizing body, in April 2019 stated its intention to prohibit former corruption convicts from becoming candidates for members of the DPR, DPR, and Regional Representatives. This step sparked debate among election observers, academics, political parties, and the general public. In this regard, KPU Chairman Arief Budiman stipulated KPU Regulation (PKPU) Number 20 of 2018 concerning the Nomination of Members of the DPR, Provincial DPRD, and Regency/City DPRD, as well as PKPU Number 14 of 2018 concerning the Nomination of Independent Candidates for the DPD Election.

In several provisions of the PKPU, important articles regulate violations against former corruption convicts who register as legislative candidates. Article 7 paragraph (1) letter h states that candidates for members of the DPR, Provincial DPRD, and Regency/City DPRD must be Indonesian citizens who meet the requirements: "Not former convicts, drug lords, perpetrators of sexual crimes against children, or convicts of corruption." With the provisions stipulated by this PKPU, the prohibition on former corruption convicts from registering as candidates for the upcoming legislative election can be implemented.

Human rights (HR) restrictions are often seen as a necessary step to prevent nepotism and corruption in government. However, the application of these restrictions must be done

carefully. Without considering the principles of justice and proportionality, HR restrictions can trigger negative reactions from the community. This can happen if individuals feel that their rights are being threatened or ignored without adequate justification, which can further lead to distrust in the government.

One implication of disproportionately imposed HR restrictions is the emergence of resistance within the community. When individuals feel that their rights have been violated, especially in a context where the restrictions are not accompanied by transparent and accountable explanations, they may oppose the policy. Such resistance can undermine the government's position in combating nepotism and corruption, as an unsupportive community is less willing to collaborate or provide the information needed to address corrupt practices.

In addition, disproportionate human resource restrictions can reduce the effectiveness of the law itself. When citizens perceive the policy as unfair, they may ignore or violate the law, perpetuating the cycle of corruption and nepotism. For example, if a policy prohibiting the hiring of family members of public officials in certain positions is not coupled with transparent monitoring and evaluation mechanisms, the policy may be seen as an abuse of power.

To avoid such negative implications, the government must ensure that any HR restrictions are always accompanied by strict supervision. This includes formulating clear and transparent policies while involving the public in the policy-making process. By doing this, the government can build trust in the community and encourage active participation in preventing nepotism and corruption. Through an inclusive and responsive approach, HR restrictions can be an effective tool for creating clean and accountable governance without sacrificing individual rights.

In addition, the obstacles faced by the government in implementing HR restrictions to prevent nepotism and corruption in Indonesia stem from the lack of public understanding and awareness of the importance of these measures. Many individuals are not fully aware of the relationship between HR restrictions and efforts to prevent damaging practices. This creates a gap between the policies set by the government and the reality experienced by the community on a daily basis.

Public misunderstanding often arises from inadequate information about the purpose and benefits of HR restrictions. If the government fails to conduct effective socialization, the public may perceive these restrictions as unfair violations of individual rights. For example, when a policy restricts the access of family members of public officials to certain positions, individuals may feel that their right to compete in the labor market has been violated without understanding that the policy is intended to prevent nepotism.

Opposition to policies that are considered detrimental can have severe consequences. When the public is unaware of the importance of limiting human resources in order to prevent corruption, collusion and nepotism, they tend to ignore or even reject government efforts. As a result, efforts to eradicate nepotism and corruption become less effective because public support and involvement are very important in the process.

To address this issue, the government should engage in better education and socialization regarding HR restrictions and their relationship to preventing nepotism and corruption. Approaches that involve the public in open dialogue, seminars, or information campaigns can help raise awareness and understanding. In this way, the public can see HR restrictions not as a violation but as an important step towards achieving integrity and transparency in governance. Increased awareness will encourage the public to participate more fully and support the policies put in place, making the prevention of nepotism and corruption more effective.

Inconsistent application of HR restrictions poses a major challenge in preventing nepotism and corruption in Indonesia. Uncertainty in the implementation of policies often creates confusion among the public and leads to injustice. When restrictions are not applied

uniformly, individuals may feel that the policies are unfair and non-transparent, which ultimately reduces public trust in the government and law enforcement agencies.

For example, if there is a policy that limits access to jobs for family members of public officials but does not impose strict and consistent penalties, the public will feel the gap. When some family members of officials can access certain positions while others cannot, it creates the impression of favoritism towards certain groups. This phenomenon can damage the government's image and make anti-nepotism policies seem ineffective.

This uncertainty can also breed skepticism among the public about the government's good intentions to combat corruption and nepotism. When the public feels that policies are not being implemented fairly, they may be reluctant to support government initiatives and participate in preventing corruption. This skepticism can lead to broader apathy toward the legal system and governance in general, causing individuals to feel that their involvement in such efforts is pointless.

Weaknesses in oversight and law enforcement present significant obstacles to the effectiveness of HR restrictions in preventing nepotism and corruption in Indonesia. Without strict oversight, there is a risk of abuse of power by public officials. They may use their positions to protect personal or group interests rather than serve the public good. When this happens, it exacerbates the nepotism and corrupt practices it is intended to prevent.

For example, regarding restrictions on access to employment for family members of public officials, if there is no clear oversight mechanism, officials may grant exemptions or permission to their relatives to obtain certain positions. This practice creates unfairness and undermines the integrity of the recruitment process. Individuals who witness or learn about such practices may believe that the legal system is ineffective, which can further reduce trust in the government.

Weaknesses in law enforcement also contribute to the powerlessness of society against nepotism and corrupt practices. When laws are not consistently enforced, individuals may feel hopeless and skeptical about anti-corruption efforts. Uncertainty about the penalties or consequences for violators of the law leads individuals to believe that there is no point in reporting acts of corruption or nepotism, because they feel such violations will go unpunished.

The lack of transparent and accountable policies in the implementation of HR restrictions is a major obstacle in preventing nepotism and corruption in Indonesia. Ambiguity in policies and procedures can create doubts among the public regarding the government's good intentions. If the public does not have a clear understanding of the purpose and benefits of these restrictions, they tend to be skeptical and question the integrity of the government. This can lead to the rejection of policies intended for the public interest.

Policies that are not formulated transparently and without public involvement will struggle to gain broad support. The public feels alienated when excluded from the policy-making process that affects their lives. Public involvement in policy formulation is crucial because it increases the legitimacy and public acceptance of the measures. If individuals perceive that their voices are being ignored, they are likely to withdraw support for government initiatives aimed at preventing corruption.

Lack of public trust stemming from inadequate transparency can further exacerbate existing conditions and render prevention of nepotism and corruption ineffective. In an uncertain environment, people tend to refrain from reporting cases of nepotism or corruption that they observe, because they feel that no justice or real action will be taken. Therefore, the creation of transparent, clear and accountable policies is essential to rebuilding public trust in the government.

In their efforts to prevent nepotism and corruption, governments often impose stringent regulations. While the intent of these policies is positive, aiming to protect the integrity of government and ensure fair treatment for all individuals, excessive regulation can have adverse effects. When regulations are too numerous or complex, individuals may

find it difficult to exercise their rights. They may feel harassed by bureaucratic red tape, reducing their motivation to engage in governance processes or access public services.

One of the main problems caused by excessive regulation is the creation of unnecessary barriers for individuals who want to participate in public activities, such as applying for a job or obtaining a business license. When regulations become too restrictive, those who are eligible to participate in the process may feel pressured or hindered by unrealistic requirements. This can create frustration among the public and reduce their trust in the legal system and government.

In addition, excessive regulation carries the risk of abuse of power by law enforcement officials. When law enforcers are given significant authority to enforce regulations, they are likely to exploit this power for personal gain or to discriminate against certain individuals or groups. For example, law enforcers may seek stricter compliance from certain groups while showing leniency to others with special connections or relationships. This situation not only creates inequity but can also exacerbate the nepotism and corruption that it is intended to prevent.

This study has several limitations that need to be considered for the interpretation of the results. First, the data used are mostly from secondary sources, which may affect the accuracy and relevance of the current information. Second, this study focuses more on the review of laws and regulations in Indonesia, so generalization to the global context requires further research.

In addition, the theoretical approach used may not fully reflect the dynamic and changing legal practices over time. This study also does not include direct empirical analysis of specific legal cases, which could provide a more in-depth perspective. Thus, further research involving case studies and primary data is highly recommended to strengthen these findings.

CONCLUSION

The application of the principles of justice and proportionality in limiting human rights is crucial. States must ensure that any legal measures that limit individual rights are based on clear needs, are implemented proportionately, and are accompanied by strict supervision to avoid abuse of authority.

Thus, this study recommends the establishment of a more comprehensive, transparent, and accountable legal policy. Legal reform supported by an independent oversight system and civil society involvement in public oversight can strengthen efforts to eradicate nepotism and corruption without ignoring the protection of human rights. With these steps, it is hoped that a more just, effective, and balanced legal system will be created in supporting a clean and corruption-free government.

REFERENCE

- BA Saebani and AF Mubarak, "Nepotism in Political Power and Efforts to Solve It," *Polhum Sovereignty Law and Diplomatic Politic*, vol. 1, no. 1, pp. 10-19, 2024.
- Corruption Eradication Commission. (2022). *KPK Annual Report*. *Journal of Indonesian Governance*, 14(1), 45-67.
- E. Pattiasina, "Criminal Sanctions Against State Administrators Due to Violation of Law Number 28 of 1999 Concerning the Implementation of a Clean State Free from Corruption, Collusion, and Nepotism," *Lex Crimen*, vol. 8, no. 3, 2019.
- F. Djamil et al., *Corruption, Collusion, and Nepotism (KKN): In the Perspective of Islamic Law and Morals; In Revealing Corruption, Collusion, and Nepotism in Indonesia*, Yogyakarta: Aditya Media, 1999.
- I. Nurdin, *Government Ethics: Norms, Concepts, and Practices for Government Administrators*, Yogyakarta: Lintang Rasi Aksara, 2017.

- Jones, M., & Brown, L. (2021). Whistleblower Protection and Human Rights. *International Human Rights Journal*, 17(1), 99-123.
- Lee, T. (2019). Corruption and Human Rights: Legal Dilemmas. *Journal of Comparative Law*, 19(3), 287-305.
- M. Warokka, "The Role of the Ombudsman in Supervising Public Services Free from Corruption, Collusion and Nepotism," *Lex Privatum*, vol. 5, no. 1, pp. 97-104, 2017.
- PM Marzuki, *Legal Research*, Jakarta: Kencana Prenada Media Group, 2006.
- Pujihartini, "Overcoming Corruption, Collusion and Nepotism in the Acceptance of National Civil Service Candidates," *Jurnal Mentari Publika*, vol. 2, no. 2, 2022.
- Rachmawati, "Anti-Nepotism Regulation: Policy and Implementation," *Journal of Public Policy*, vol. 16, no. 1, pp. 30-42, 2020.
- SS Iskandar and N. Prasetyoningsih, "The Development of Legitimacy of Restrictions on Former Political Rights," *UMY Repository*, 2019.
- Smith, J. (2020). Privacy vs. Transparency in Government. *Law & Policy Review*, 22(2), 201-225.
- Sumartana, *Ethics and Combating Corruption, Collusion, and Nepotism in the Reform Era*, Yogyakarta: Aditya Media, 1999.
- Susanti, A. (2023). Human Rights in the Digital Age. *Human Rights Review*, 20(4), 355-370.
- Transparency International. (2021). Corruption Perceptions Index 2021. *Journal of Global Governance Studies*, 15(2), 112-130.
- UNODC. (2020). Anti-Corruption Policies and Practices. *International Journal of Public Administration*, 18(3), 215-233.