

Social Justice Theory in Indonesia Reviewed from the Philosophy of Law

Yahya Abdul Habib¹, Jacobus Jopie Gilalo²

¹Fakultas Hukum Universitas Djuanda Bogor

¹Email Korespondensi: habibstyle@gmail.com

ABSTRACT

Social justice theory occupies an important position in forming and implementing legal policies in Indonesia. This concept underscores the importance of equitable distribution of resources, opportunities, and legal protection without discrimination. This article discusses the challenges and implementation of social justice from the perspective of legal philosophy, focusing on the role of Pancasila as the basic ideology of the state. In the Indonesian context, the implementation of social justice often faces obstacles such as corruption, inefficient bureaucracy, and lack of access to the justice system for vulnerable groups. This article uses a descriptive qualitative approach to explore potential solutions such as legal reform, bureaucratic digitalization, and strengthening legal aid mechanisms. This research emphasizes that social justice is not only related to economic aspects but also includes fundamental human rights in various fields, including education, health, and general welfare. The goal of social justice as a national ideal can be achieved through inclusive policies and fair implementation of laws.

Keywords:

Social Justice, and Philosophy of Law,

INTRODUCTION

Social justice theory is a concept that emphasizes the importance of a fair distribution of resources, opportunities, and fundamental rights for each individual regardless of social, economic, or cultural background. In legal philosophy, social justice is a normative foundation that directs the formation and application of law to achieve common welfare. Pancasila, as the basic ideology of the Indonesian state, places social justice as one of the main pillars in achieving national goals, which is enshrined in the fifth precept: "Social Justice for All Indonesian People." This principle shows that social justice relates to economic distribution and recognizing fundamental human rights (Kusumandaru, 2020: 32-33).

In the history of philosophical thought, the concept of justice has been the focus of in-depth discussion since ancient Greece. Aristotle, one of the great philosophers, distinguished justice into two concepts: *Justia distributive* (*distributive justice*) and *Justicia communicative* (*remedial justice*) commutative justice (Gilalo, 2023). *Distributive justice* emphasizes that everyone has rights equal to their allotment. This means that the rights given follow their abilities and are professional (Gilalo, 2023). Meanwhile, *Justicia's communication* emphasizes the granting of equal rights. This means there is a demand for equality and similar treatment (Gilalo, 2023). Justice is an ambiguous (dual) idea because the essence of one side of this concept refers to the whole of social policy called "universal justice" (general) (Gilalo, 2023).

In the modern context, the concept of justice was further developed by John Rawls through his theory of "*justice as fairness*." Rawls formulated two main principles of justice: first, that every individual has the same right to the broadest possible fundamental freedom, provided that such freedom does not infringe on the freedom of

others. Second, social and economic inequality is only acceptable if the arrangement provides maximum benefits to the most disadvantaged groups and if there is an equal opportunity for all individuals to achieve the desired position (Rawls, 2020). This theory is relevant to be analyzed in the context of social justice in Indonesia, where social and economic inequality is still a major challenge in national development.

Pancasila, as the basic ideology of the Indonesian state, reflects the values of social justice in every precept contained in it. The fifth precept, "Social justice for all Indonesian people," emphasizes the importance of the principle of justice as the foundation for national development. Social justice in Pancasila not only includes economic aspects, but also includes justice in the political, legal, and cultural fields (Winangsih, Sagita, and Mujtaba, 2022: 102-112). This concept requires the government to adopt inclusive and shared welfare-oriented policies, as well as guarantee equal treatment for all citizens without discrimination.

However, realizing social justice in Indonesia is not an easy thing. Various structural and cultural challenges are the main obstacles in its implementation. Socio-economic inequality is still a serious problem, where most of the national wealth is concentrated in a handful of individuals or groups. In addition, low access to education and health services, especially in remote areas, exacerbates these inequalities. The legal system, which is often influenced by a culture of patronage and corruption, is also an inhibiting factor in the achievement of social justice. On the other hand, low public participation in the legislative process and legal decision-making creates a gap between the needs of the community and the resulting policies (Rahardjo, 2020).

To overcome these challenges, comprehensive and sustainable legal reform efforts are needed. These reforms include drafting laws that are more responsive to the needs of the community, increasing access to justice for vulnerable groups, and strengthening legal institutions to prevent and eradicate corruption. In addition, legal education is also an important element in building public awareness of their rights and obligations. Thus, the community can play an active role in creating a fair and inclusive legal system (Sutardi, 2020:213-229).

METHOD

This study employs a qualitative approach using a descriptive-analytical method. Primary data were collected through in-depth interviews with legal experts, academics, and practitioners in the field of social justice. Secondary data were obtained from various written sources, including books, scientific journals, articles, research reports, and official documents relevant to the research topic. This approach aims to capture comprehensive insights from diverse stakeholders while enriching the analysis with extensive literature.

The data analysis techniques applied include data reduction, categorization, interpretation, and conclusion drawing, as outlined by Miles, Huberman, and Saldana (2020) and Sugiyono (2019). These stages enable the systematic management and interpretation of data, ensuring the validity and depth of the findings. Through this approach, the study seeks to provide a holistic understanding of social justice issues central to the research focus.

RESULTS AND DISCUSSION

1. Basic Principles of Social Justice

Social justice is a concept that emphasizes the importance of a fair distribution of resources, opportunities, and basic rights for each individual regardless of social, economic, or cultural background. Here are some of the basic principles that underpin social justice:

a. Balance between Rights and Obligations

The principle of balance between rights and obligations emphasizes that every individual has rights that must be respected by the state and society. However, these rights must be balanced with the obligations that must be carried out by each individual. Rights and obligations are two sides of the same coin, where individual rights must be respected, and individuals must also carry out their obligations to society and the state (Rahardjo, 2020).

In the legal context, this principle is reflected in the laws and regulations that govern the rights and obligations of citizens. For example, the right to education is balanced with the obligation to learn and comply with school regulations. Likewise, the right to legal protection is balanced with the obligation to comply with applicable laws and regulations. The balance between rights and obligations is important to create a harmonious and just society (Rahardjo, 2020).

b. Fair Distribution

Fair distribution emphasizes the importance of equitable distribution of resources and opportunities among all members of society. Fair distribution does not always mean equal, but is adjusted to individual needs and conditions. For example, the distribution of social assistance must focus more on those who need it most, such as poor families, the elderly, and people with disabilities (Indonesia Social Justice Network, 2020).

The philosophy of law views that law should serve as a tool to achieve this equitable distribution through policies and regulations that govern the distribution of resources. The law must create a fair mechanism for distributing resources, so that no individual or group feels marginalized. In addition, the law must also ensure that equitable distribution is reflected in various aspects of life, including education, health, and employment opportunities (Munawaroh, 2022).

c. Active Participation

The active participation of every member of society in the decision-making process that affects their lives is a fundamental principle of social justice. Active participation includes the involvement of citizens in political processes, such as elections, as well as in decision-making processes at the local and national levels. Active participation is important to ensure that the voices and interests of all members of the community are heard and considered in policymaking (Munawaroh, 2022).

The philosophy of law emphasizes that the law must create space for this participation, both through formal mechanisms such as general elections, and through forums of dialogue and public consultation. The law must ensure that all individuals have an equal opportunity to participate in the decision-making process, without discrimination based on social, economic, or cultural background (Fattah, 2013).

d. Protection for Vulnerable Groups

The principle of protection for vulnerable groups emphasizes that social justice must include special protection for vulnerable groups, such as children, the elderly, people with disabilities, and minority groups. This protection aims to ensure that these groups do not experience discrimination and receive fair and equitable treatment (Indonesia Social Justice Network, 2020).

In the legal context, this principle is reflected in various laws and regulations that regulate the protection of vulnerable groups. For example, the Law on the Protection of Children and Persons with Disabilities aims to protect the rights of children and persons with disabilities, as well as ensure that they have equal access to education, health services, and employment opportunities (Indonesia Social Justice Network, 2020).

e. Eradication of Injustice

The principle of eradicating injustice emphasizes that social justice must include efforts to overcome various forms of injustice that occur in society, including economic, social, and legal injustices. Efforts to eradicate injustice include the implementation of redistributive policies that aim to reduce social and economic disparities, as well as ensure that all individuals receive fair treatment before the law (Faiz, 2017).

In the legal context, this principle is reflected in policies that aim to reduce social and economic inequality, such as social assistance programs, education subsidies, and affirmative action policies. In addition, the law must also ensure that every individual gets equal access to legal protection and public services, without discrimination (Indonesia Social Justice Network, 2020).

2. The Relationship between Social Justice Theory and Philosophy of Law

Social justice theory and legal philosophy are two fields that are closely related to understanding and realizing justice in society. The theory of social justice, developed by philosophers such as John Rawls, focuses on how justice can be achieved through the equitable distribution of resources and opportunities for all members of society. Philosophy of law, on the other hand, studies the basic principles of law and how law can be used to achieve justice.

John Rawls, one of the famous philosophers in the field of social justice theory, put forward the concept of "justice as opportunity" which emphasizes that everyone must have an equal opportunity to achieve success in society. Rawls also proposed the principle of a "safety net" that aims to protect the most vulnerable in society. Legal philosophy, in this context, plays an important role in applying the principles of social justice through fair regulations and laws (Munawaroh. 2022).

The philosophy of law also pays attention to the concepts of proportional justice and equality. According to Aristotle, justice is a balance that must be achieved through proportional equality, where each person receives what he or she is entitled to based on their abilities and achievements. The philosophy of law plays an important role in applying this concept through laws that are fair and equal to everyone.

In addition, legal philosophy also studies the role of law in realizing social justice through fair and impartial law enforcement. An independent and impartial judicial system is the key to achieving true justice (Munawaroh. 2022). Courts must

ensure that the law is applied fairly and equally for everyone, without discrimination (Fattah, 2013).

The philosophy of law also pays attention to the importance of accessibility and efficiency in the judicial system. Reform of the justice system that aims to improve accessibility and efficiency is urgently needed to ensure that all individuals have equal access to legal protection (Indonesia Social Justice Network, 2020). Legal aid for those who cannot afford it is also part of efforts to ensure that all individuals have equal access to legal protection (Rahardjo, 2020).

Overall, the relationship between social justice theory and legal philosophy is a close and complementary interaction in understanding and realizing justice in society. Social justice theory provides a theoretical framework for understanding how justice can be achieved through the equitable distribution of resources and opportunities, while legal philosophy provides a practical framework for applying the principles of social justice through fair laws and regulations.

3. Implementation of Social Justice in Law in Indonesia

The implementation of social justice in law in Indonesia covers various aspects ranging from laws and regulations, economic and social policies, to the judicial system. The following are some ways to implement social justice in Indonesia:

a. Laws and Regulations

The 1945 Constitution of the Republic of Indonesia (1945 Constitution) is the main foundation that reflects the principles of social justice. Article 34 of the 1945 Constitution states that "The poor and abandoned children are cared for by the state". This shows the country's commitment to providing protection and assistance to vulnerable groups. In addition, this article also affirms that every citizen has the right to proper education and employment.

In addition to the 1945 Constitution, there are various laws that regulate the distribution of resources and social protection. For example, Law Number 13 of 2003 concerning Manpower regulates the rights and obligations of workers and employers, as well as providing protection for workers from exploitation. Law Number 40 of 2004 concerning the National Social Security System (SJSN) aims to provide comprehensive social security for all Indonesian people, including health insurance, old-age insurance, work accident insurance, and death insurance.

b. Economic and Social Policy

The Indonesian government has implemented various economic and social policies aimed at achieving social justice. Programs such as the Family Hope Program (PKH) are concrete examples of the government's efforts to distribute resources fairly and equitably (Indonesia Social Justice Network, 2020). PKH provides cash assistance to poor families to improve their access to education and health services. The program also includes efforts to improve the quality of life of children by ensuring that they get adequate nutrition and access to basic education. In addition to PKH, Direct Cash Assistance (BLT) is another program that aims to provide financial assistance to the poor to help them meet their basic needs. This program is usually implemented in emergency situations, such as during economic crises or natural disasters, to ensure that the most vulnerable communities get the help they need (Indonesia Social Justice Network, 2020).

In addition, the government has also developed various subsidy programs aimed at reducing the economic burden of the poor. For example, food subsidies, education subsidies, and health subsidies are examples of policies that aim to ensure that all citizens have equal access to basic needs (Indonesia Social Justice Network, 2020). These economic and social policies are part of efforts to achieve social justice by ensuring that all individuals have equal access to resources and opportunities to achieve well-being. However, the effectiveness of this policy is highly dependent on its implementation in the field. Corruption, inefficient bureaucracy, and lack of coordination between government agencies are often obstacles to the implementation of this policy (Sutardi, 2020:213-229).

c. Judicial System

The justice system in Indonesia plays an important role in ensuring that the principles of social justice are reflected in law enforcement. An independent and impartial judiciary is the key to achieving true justice (Indonesia Social Justice Network, 2020). Courts must ensure that the law is applied fairly and equally for everyone, without discrimination (Indonesia Social Justice Network, 2020).

One of the main challenges in the justice system is access to justice. Many citizens, especially those in remote or economically disadvantaged areas, face difficulties in accessing the justice system (Rahardjo, 2020). The expensive and complex judicial process is often an obstacle for the public to obtain justice. Therefore, judicial system reform aimed at improving accessibility and efficiency is urgently needed (Rahardjo, 2020).

In addition, the judiciary also plays a role in resolving disputes related to the distribution of resources and social protection. For example, courts have an important role in handling land dispute cases, protecting workers' rights, and protecting consumer rights. In this context, the judiciary must ensure that individual rights are protected and receive fair treatment (Rahardjo, 2020).

Efforts to improve social justice through the justice system also include the provision of legal aid to those who cannot afford it. This legal aid aims to ensure that all individuals have equal access to legal protection, regardless of their economic status. In this case, the role of lawyers and civil society organizations is very important in providing support and advocacy to people in need (Rahardjo, 2020).

Overall, the implementation of social justice in law in Indonesia is a complex endeavor and involves various aspects of people's lives. Despite the challenges, a strong commitment from governments and communities can help realize true social justice. By ensuring that laws and regulations, economic and social policies, and the justice system reflect the principles of social justice, Indonesia can achieve its goal of creating a just and prosperous society for all its people (Rahardjo, 2020).

4. Challenges in the Implementation of Social Justice

Social justice is one of the fundamental principles in the life of the nation and state enshrined in Pancasila, especially the fifth precept, "Social justice for all Indonesian people." This principle emphasizes the importance of equal distribution of rights and obligations, opportunities, and access to resources for all levels of society. However, the realization of social justice is often faced with various complex and multidimensional challenges. The following is a description of the challenges in the implementation of social justice in Indonesia.

a. Corruption as the Main Obstacle

Corruption is one of the biggest obstacles in realizing social justice. Widespread corrupt practices in various sectors have led to inefficient and uneven allocation of resources. For example, the budget that should be used for the development of basic infrastructure such as roads, schools, and health facilities is often misappropriated by officials. This results in people, especially vulnerable groups, not getting the benefits they deserve from government programs (Sutardi, 2020:213-229).

Transparency International in the Corruption Perception Index (2022) noted that Indonesia's score is below the global average. This shows that corruption is still a serious problem that affects various aspects of people's lives, including access to public services. Therefore, eradicating corruption through legal reform and strengthening anti-corruption institutions such as the KPK (Corruption Eradication Commission) is urgently needed to create a transparent and accountable government.

b. Inefficient Bureaucracy

Inefficient bureaucracy is the next challenge in the implementation of social justice. Long, convoluted, and non-transparent administrative processes often hinder the distribution of social assistance and the implementation of other public policies. For example, programs such as Direct Cash Assistance (BLT) or the Family Hope Program (PKH) are sometimes not on target because the data used by the bureaucracy has not been properly integrated (Indonesia Social Justice Network, 2020).

Digitalization and bureaucratic reform are potential solutions to overcome this problem. By using information technology, the government can increase efficiency and transparency in the management of beneficiary data and minimize the potential for abuse of authority by bureaucrats (Indonesia Social Justice Network, 2020).

c. Lack of Coordination Between Government Agencies

The implementation of social justice requires synergy between government agencies. However, the lack of coordination between institutions is often a significant obstacle. For example, community empowerment programs managed by the Ministry of Social Affairs, the Ministry of Education, and the Ministry of Health often run separately without policy harmonization. This causes overlapping programs that reduce the effectiveness and efficiency of budget allocation (Indonesia Social Justice Network, 2020).

To overcome this challenge, efforts are needed to consolidate and align cross-sectoral programs through coordination forums involving all stakeholders. The role of the National Development Planning Agency (Bappenas) is very important in ensuring that policies made by various ministries and institutions are in line with the vision of social justice.

d. Economic Inequality

Economic inequality is another major challenge in achieving social justice. Data from the Central Statistics Agency (BPS) in 2020 shows that Indonesia's Gini ratio is still at a fairly high number, reflecting a significant income gap between rich and poor groups. This condition is exacerbated by unequal access to education, health, and decent work.

Wealth redistribution programs, such as progressive taxes, education subsidies, and free health services for the underprivileged, can be a solution to reduce this inequality (Indonesia Social Justice Network, 2020). In addition, development policies that focus on disadvantaged areas need to be strengthened to ensure that all communities, including those in remote areas, get equal access to economic opportunities (Indonesia Social Justice Network, 2020).

e. Lack of Access to Legal Aid

Legal aid for the underprivileged is an important element of social justice. However, access to legal aid in Indonesia is still very limited, especially for those living in remote areas. Many people cannot afford to pay for lawyer services or even do not understand the applicable legal procedures (Indonesia Social Justice Network, 2020).

The government has made efforts to address this problem through a free legal aid program managed by the Ministry of Law and Human Rights. However, the success of this program relies heavily on support from all parties, including civil society organizations and legal aid institutions (LBH), to increase awareness and accessibility for groups in need (Rahardjo, 2020).

f. Judicial System Reform

An efficient and fair justice system is a prerequisite for social justice. However, in Indonesia, the justice system still faces many challenges, including a backlog of cases, a lack of transparency, and the potential for abuse of power by law enforcement officials. Reform of the justice system that includes increasing the capacity of judges, lawyers, and other law enforcement officials is crucial to ensure that justice is accessible to all individuals without discrimination (Rahardjo, 2020).

g. Discrimination against Vulnerable Groups

Vulnerable groups such as people with disabilities, women, children, and minorities often face discrimination in various aspects of life, from education to employment. This discrimination is one of the main obstacles in achieving social justice as enshrined in the *Law No. 8 of 2016 concerning Persons with Disabilities*.

Laws and regulations such as Law No. 8 of 2016 concerning Persons with Disabilities and various affirmative action policies are positive steps to overcome this discrimination. However, implementation in the field is often still not optimal, so stricter supervision and evaluation are needed (Indonesia Social Justice Network, 2020).

The implementation of social justice in Indonesia faces a variety of complex challenges, including corruption, inefficient bureaucracy, lack of coordination between institutions, economic inequality, and discrimination against vulnerable groups. Overcoming these challenges requires a strong commitment from all parties, from the government, the community, to the private sector. With the right reforms and the support of all elements of the nation, social justice as a national ideal can be realized.

Discussion

The basic principles of social justice which include the balance between rights and obligations, fair distribution, active participation, protection of vulnerable groups,

and the eradication of injustice are important foundations in realizing a just and harmonious society. The balance between rights and obligations, for example, emphasizes that individual rights can only be fulfilled if they are accompanied by appropriate responsibilities to society and the state. In its implementation, the law plays the role of a tool to create this balance, as reflected in various regulations that guarantee the right to education and legal protection balanced with the obligation to obey applicable regulations and laws. In addition, the principle of fair distribution underlines the importance of equitable distribution of resources based on individual needs, so that the law must not only protect, but also create mechanisms to distribute resources proportionately to the groups most in need.

Furthermore, legal philosophy plays an important role in the application of social justice theory through fair and non-discriminatory regulations. The concept of "justice as opportunity" put forward by John Rawls is relevant in this context, as it emphasizes the importance of equal access to life opportunities for every individual. The implementation of social justice in law in Indonesia has been seen in redistributive policies such as the Family Hope Program (PKH) and Direct Cash Assistance (BLT), which aim to help vulnerable groups meet their basic needs. However, the effectiveness of the implementation of this policy still faces challenges such as corruption and inefficient bureaucracy. Therefore, continuous supervision and system reform are needed so that the principles of social justice can be optimally realized in people's lives.

CONCLUSION

Social justice as one of the main pillars of Pancasila is the normative foundation that directs the formation of laws and policies for common welfare. In this context, social justice includes not only economic aspects, but also respect for human rights, resource distribution, and equal treatment for all citizens. However, its implementation in Indonesia still faces various challenges. Corruption is a significant obstacle that reduces the effectiveness of the distribution of public resources. Misappropriated funds harm vulnerable communities who depend on public services such as education and health. In addition, inefficient bureaucracy leads to slow implementation of social assistance programs. Bureaucratic digitization and data integration are needed to improve the accuracy and transparency of aid distribution. Economic inequality is another challenge that creates gaps in access to basic needs such as education, health, and employment. Redistributive policies such as progressive taxes and subsidies must continue to be improved to bridge this gap. Development efforts for disadvantaged regions are also needed to create equality of opportunity.

In addition, vulnerable groups such as people with disabilities, women, and minorities face systemic discrimination. Even though regulations already exist, their implementation is still not optimal, requiring stricter supervision and public awareness. The justice system also faces challenges in the form of high costs and complexity of legal procedures, which hinder access to justice for the poor. Judicial reform by providing free legal aid and simplifying the legal process is urgently needed. Judicial independence must also be maintained to ensure fair law enforcement. Successful implementation of social justice requires government commitment, active community participation, and comprehensive legal reform. By overcoming structural and cultural

barriers, the ideals of social justice as stated in Pancasila can be realized. This step will create a fair, prosperous, and inclusive society.

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