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Corporate Accountability in Environmental Crimes: Lessons from Indonesia's Forest Fires and Beyond

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Abstract: Indonesia, home to over 125 million hectares of tropical rainforests, is a critical player in global climate regulation and biodiversity conservation. However, environmental crimes, such as forest fires, illegal logging, and industrial pollution, have caused severe ecological degradation, public health crises, and significant economic losses. This study examines systemic gaps in Indonesia's environmental governance, focusing on the effectiveness of judicial processes, the proportionality of penalties, and the role of international frameworks. Through a qualitative analysis of high-profile cases, including PT Adei Plantation and PT Kalista Alam, the research highlights key deficiencies in enforcement mechanisms, such as delayed judicial decisions, insufficient penalties, and limited integration of global sustainability frameworks. The findings underscore the need for recalibrating penalties, streamlining judicial processes, and leveraging international agreements to strengthen corporate accountability. This study contributes to the broader discourse on environmental governance by providing actionable recommendations to align Indonesia's enforcement mechanisms with global best practices, ensuring sustainable development and climate resilience.

Keyword: Environmental crimes, judicial processes, corporate accountability, forest fires, sustainability.

INTRODUCTION

Indonesia, with over 125 million hectares of tropical rainforests, plays a pivotal role in global climate regulation and biodiversity conservation. These forests, often referred to as the "lungs of the Earth," store approximately 10% of the world's carbon and serve as habitats for unique species, including the critically endangered orangutan and Sumatran tiger. Despite its ecological significance, Indonesia's forests face relentless threats from environmental crimes, such as forest fires, illegal logging, and industrial pollution. These activities have caused severe environmental degradation, public health crises, and significant economic losses, undermining both national sustainability and global climate goals.

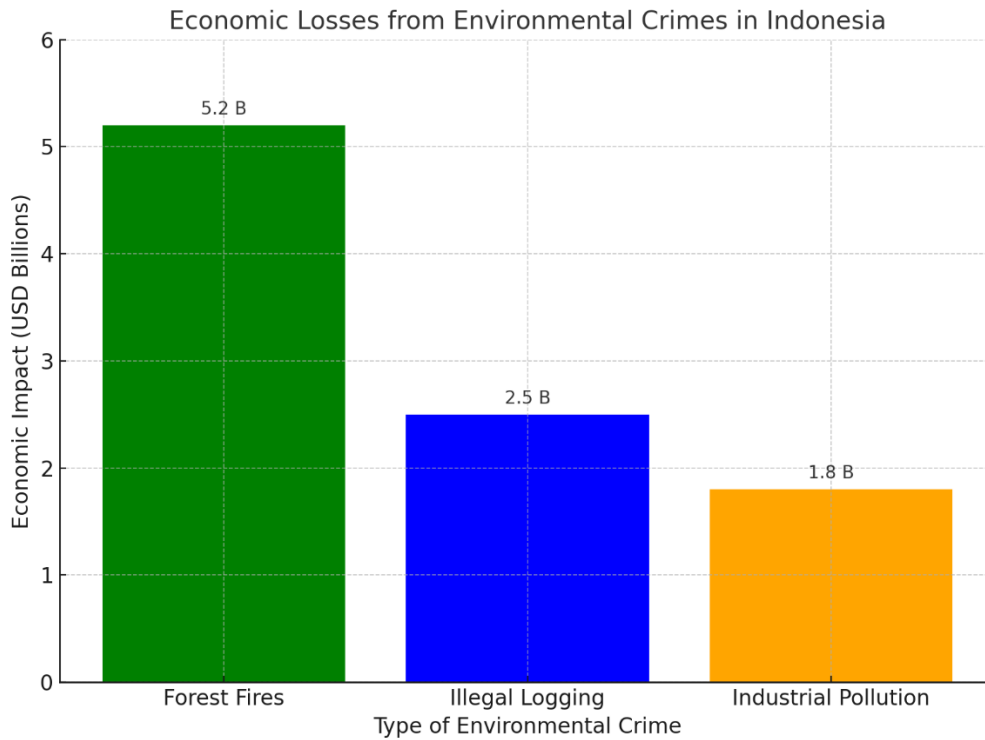
Forest fires have emerged as one of the most catastrophic environmental crimes in Indonesia, largely attributed to illegal land-clearing practices by corporations. In 2019 alone, these fires burned over 1.6 million hectares of forest and peatlands, releasing 708 megatons of CO₂ into the atmosphere—exceeding the annual emissions of industrialized nations like Germany (World Bank, 2020). The economic impact of these fires was staggering, with losses estimated at USD 5.2 billion, affecting critical sectors such as agriculture, forestry, and public health. Moreover, the transboundary haze produced by these fires disrupted regional relations, as it affected over 10 million people across Indonesia, Malaysia, and Singapore, leading to significant health and economic burdens (ASEAN Haze Action Online, 2020).

Illegal logging presents another severe challenge, accounting for the loss of 10.7 million hectares of primary forest between 2002 and 2021, or 29% of Indonesia's forest cover (Global Forest Watch, 2021). Much of this deforestation is driven by unsustainable timber harvesting and the expansion of palm oil plantations, with devastating consequences for biodiversity and ecosystem services. Meanwhile, industrial pollution exacerbates these environmental challenges, particularly in regions like West Java, where the Citarum River—considered one of the most polluted rivers globally—suffers from hazardous waste contamination. These pollutants not only threaten aquatic ecosystems but also endanger communities reliant on these waterways for their livelihoods.

Despite the existence of legal frameworks, such as UU No. 32/2009 on Environmental Protection and Management and UU No. 41/1999 on Forestry, these crimes persist, revealing significant enforcement gaps. High-profile cases, including the forest fires caused by PT Adei Plantation and the illegal tin mining in Bangka Belitung, underscore the inadequacy of penalties and the challenges in holding corporations accountable. For instance, in 2019, PT Adei Plantation was fined IDR 3.1 billion (~USD 217,000) for burning 4.25 hectares of land. Critics have pointed out that such penalties are disproportionately low compared to the ecological damage caused and the profits derived from illegal land clearing (Greenpeace, 2020). Similarly, in the PT Kalista Alam case of 2012, the court imposed a fine of IDR 366 billion for the burning of 1,000 hectares of peatland and mandated rehabilitation efforts. However, delays in enforcement significantly undermined the intended deterrent effect of the judgment.

The economic and ecological costs of these environmental crimes extend beyond immediate losses. The World Bank (2020) highlighted that the long-term impacts of forest fires include the destruction of biodiversity, the loss of ecosystem services, and increased vulnerability to climate-induced disasters. Deforestation, primarily driven by palm oil production, accounts for 60% of Indonesia's forest loss, further exacerbating the global climate crisis (Greenpeace, 2021). These activities jeopardize Indonesia's ability to fulfill its commitments under international agreements, such as the Paris Agreement (2015) and the Kyoto Protocol (1997), which aim to reduce global carbon emissions and combat climate change.

While existing literature has extensively documented the economic and ecological impacts of environmental crimes, critical gaps remain in understanding the judicial and enforcement dimensions of these issues. Studies have largely overlooked the effectiveness of judicial processes in prosecuting corporate offenders, including the timeliness of case resolution, the consistency of penalties, and the adequacy of judicial oversight. For instance, while significant damage has been attributed to corporations such as PT Adei Plantation and PT Kalista Alam, questions persist regarding the proportionality of the penalties imposed. A study by UNEP (2021) found that penalties for environmental crimes in Southeast Asia, including Indonesia, are often insufficient to deter future misconduct. In the PT Adei Plantation case, the fine imposed was negligible compared to the profits generated from illegal activities, weakening the deterrent intent of the law.



Data Sources: World Bank (2020), Greenpeace (2021), UNEP (2021). Forest fires had the largest impact.

Figure 1. Economics Losses from Environmental Crimes in Indonesia

Figure 1 illustrates the economic impact of three major environmental crimes in Indonesia: forest fires, illegal logging, and industrial pollution. Forest fires caused the highest economic losses, amounting to \$5.2 billion, as reported by the World Bank (2020). Illegal logging follows with an economic impact of \$2.5 billion, while industrial pollution resulted in \$1.8 billion in damages. This comparison highlights that forest fires are the most devastating environmental crime in terms of economic consequences, emphasizing the need for stronger prevention and enforcement measures.

Another critical gap lies in the influence of international frameworks on Indonesia’s enforcement mechanisms. Despite being a signatory to the Paris Agreement and other global environmental commitments, Indonesia has struggled to integrate these frameworks into its domestic policies effectively. Market-based initiatives, such as the Roundtable on Sustainable Palm Oil (RSPO), aim to promote sustainability by incentivizing compliance with environmental standards. However, their voluntary nature and lack of enforceable accountability measures limit their impact in curbing illegal practices (UNEP, 2021). Comparative insights from Brazil’s Amazon conservation efforts demonstrate the importance of strict penalties and international collaboration in strengthening environmental governance (Global Environmental Politics, 2021). Similarly, Malaysia’s adoption of certification schemes for sustainable palm oil highlights how international market pressures can drive corporate compliance with sustainability standards.

Addressing these gaps requires an interdisciplinary approach that integrates environmental science, legal analysis, and governance studies. This study aims to evaluate the effectiveness of judicial processes in prosecuting environmental crimes, focusing on high-profile cases such as PT Adei Plantation and PT Kalista Alam. By analyzing the strengths and

weaknesses of these judicial processes, this research seeks to identify actionable strategies for improving the proportionality of penalties and ensuring timely enforcement.

Furthermore, the study explores the role of international frameworks in shaping Indonesia's enforcement mechanisms. It examines how agreements like the Paris Agreement and market-driven initiatives such as RSPO influence corporate behavior and compliance with environmental laws. By aligning Indonesia's enforcement mechanisms with global best practices, this research aims to provide policy recommendations that not only enhance corporate accountability but also strengthen the country's environmental governance.

Ultimately, this research seeks to contribute to the broader discourse on environmental governance by addressing the critical gaps in judicial effectiveness, penalty proportionality, and the integration of international frameworks. By doing so, it provides a foundation for policy reforms that ensure proportional penalties, effective enforcement, and sustainable practices, thereby positioning Indonesia as a global leader in environmental conservation.

METHOD

The type of research used in this study is normative legal research. This research approach adopts a qualitative methodology to explore the judicial and enforcement mechanisms underlying environmental crimes in Indonesia. The qualitative approach is particularly well-suited for this study as it allows for an in-depth examination of complex legal, social, and governance issues. By analyzing case studies, reviewing legal documents, and integrating secondary data, this research provides a comprehensive understanding of the systemic challenges and opportunities in improving Indonesia's environmental governance.

Research Design

The study employs a case study design, focusing on two high-profile instances of corporate environmental crimes: PT Adei Plantation and Industry and PT Kalista Alam. These cases were selected for their relevance to the research objectives and their prominence in Indonesia's environmental governance landscape. Both cases highlight critical issues such as judicial effectiveness, penalty proportionality, and enforcement delays, making them ideal for evaluating the broader challenges faced by Indonesia's legal and regulatory frameworks. The choice of a case study design is motivated by its ability to provide rich, contextual insights into specific phenomena while also revealing patterns and gaps that may inform broader policy and governance reforms. By examining judicial rulings, compliance outcomes, and enforcement challenges in these cases, the research identifies actionable strategies for addressing deficiencies in Indonesia's environmental governance mechanisms.

Data Collection

The data for this study were gathered from three main sources:

1. **Judicial Rulings and Legal Frameworks.** Primary data were obtained from court rulings and legal documents, including the judgments issued in the PT Adei Plantation and PT Kalista Alam cases. These documents provide critical information on judicial reasoning, penalty structures, and compliance requirements. The analysis focuses on whether the penalties imposed align with the scale of damage caused and whether enforcement was carried out effectively. For instance, the PT Kalista Alam case offers a lens to examine how a fine of IDR 366 billion was calculated and the extent to which rehabilitation mandates were enforced.
2. **Reports from International and National Organizations.** Secondary data were sourced from reports by organizations such as the World Bank, Greenpeace, and Global Forest Watch. These reports provide quantitative data on the ecological and economic impacts of environmental crimes, such as the economic loss of USD 5.2 billion from Indonesia's 2019

forest fires (World Bank, 2020) and the extent of deforestation driven by palm oil plantations (Greenpeace, 2021).

3. International Agreements and Market-Based Initiatives. Documents related to the Paris Agreement, Kyoto Protocol, and sustainability certification schemes like the Roundtable on Sustainable Palm Oil (RSPO) were analyzed to understand their influence on Indonesia's enforcement mechanisms. The study examines how these frameworks shape corporate compliance and the extent to which they are integrated into national policies.

Data Analysis

The collected data were analyzed using a thematic analysis approach, which allows for the identification of patterns, gaps, and inconsistencies across the judicial, enforcement, and governance dimensions of environmental crimes.

Key themes that emerged during the analysis include:

1. **Judicial Effectiveness:** The study evaluates the timeliness of case resolution, consistency in penalties, and the effectiveness of judicial oversight in enforcing compliance. For example, the PT Adei Plantation case is analyzed to determine whether the imposed fine of IDR 3.1 billion acted as a deterrent or merely as a nominal punishment.
2. **Penalty Proportionality:** A detailed examination of penalty structures is conducted to assess whether they adequately reflect the ecological and economic damage caused. This theme is critical for understanding whether current sanctions provide sufficient deterrence against future violations.
3. **Influence of International Frameworks:** The study explores how global agreements and market-driven initiatives, such as the Paris Agreement and RSPO, impact corporate accountability and compliance with environmental laws.

Through this thematic analysis, the research identifies systemic barriers that hinder effective enforcement and provides evidence-based recommendations for addressing these challenges.

Ensuring Rigor and Reliability

To ensure the validity and reliability of findings, the study employs triangulation by cross-referencing data from multiple sources. Judicial documents are compared with secondary data from organizational reports and academic literature to validate the accuracy of insights. For instance, the findings from court rulings are corroborated with data from the World Bank on the economic costs of environmental crimes and from Greenpeace on deforestation trends.

Furthermore, priority was given to peer-reviewed literature, official government publications, and reports from reputable international organizations to maintain credibility. Methodological rigor was also enhanced through a clear documentation of the research process, ensuring transparency and reproducibility.

RESULTS AND DISCUSSION

Scholarly Perspectives on Environmental Crimes

The ecological and economic impacts of environmental crimes have been extensively documented in global and regional studies. For example, the World Bank (2020) reported that Indonesia's 2019 forest fires caused economic losses exceeding USD 5.2 billion, affecting agriculture, forestry, and public health sectors. These fires released 708 megatons of CO₂, exacerbating global climate change and contributing to regional transboundary haze, which impacted over 10 million people in Southeast Asia (ASEAN Haze Action Online, 2020). Similarly, Greenpeace (2021) highlighted that deforestation driven by palm oil plantations accounts for approximately 60% of Indonesia's forest loss, threatening critical habitats for biodiversity and further destabilizing global carbon cycles. While these studies provide crucial

insights into the environmental and economic toll of such crimes, they often overlook the judicial and enforcement dimensions that underpin corporate accountability.

Existing research also underscores the inadequacy of penalties imposed for environmental crimes, particularly in Southeast Asia. According to UNEP (2021), fines are frequently insufficient to deter corporate misconduct, allowing corporations to treat them as operational costs. The Transparency International (2021) Corruption Perceptions Index ranks Indonesia at 102 out of 180 countries, highlighting systemic governance challenges that undermine the enforcement of environmental regulations. Furthermore, international frameworks, such as the Paris Agreement and market-based initiatives like the Roundtable on Sustainable Palm Oil (RSPO), have been identified as critical tools for promoting corporate accountability. However, their voluntary nature and limited enforceability have raised questions about their efficacy in curbing illegal practices. Comparative studies on Brazil's Amazon conservation efforts and Malaysia's sustainable palm oil certification schemes suggest that stricter penalties and international collaboration are pivotal for improving enforcement mechanisms (Global Environmental Politics, 2021).

Legal Frameworks

Indonesia has established comprehensive legal frameworks to address environmental crimes, primarily through UU No. 32/2009 on Environmental Protection and Management and UU No. 41/1999 on Forestry. UU No. 32/2009, which serves as the cornerstone of environmental governance, outlines the principles of sustainable development and mandates penalties for activities causing environmental degradation. Articles 98 and 99 specifically address criminal liability for intentional and negligent environmental damage, imposing maximum penalties of 10 years' imprisonment and IDR 10 billion in fines for severe violations. However, critics argue that these penalties are rarely enforced to their full extent, limiting their deterrent effect (Greenpeace, 2020).

UU No. 41/1999 on Forestry provides additional protections for forest ecosystems, criminalizing illegal logging and land-clearing activities within designated forest areas. Article 78 imposes penalties of up to 15 years' imprisonment and IDR 5 billion in fines for deforestation-related offenses. Furthermore, PP No. 4/2001 on Environmental Damage and Pollution Related to Forest Fires establishes corporate liability for fire prevention and mandates the implementation of safeguards, such as firebreaks and early warning systems. Despite these regulations, enforcement remains inconsistent due to resource constraints, jurisdictional overlaps, and corruption (Transparency International, 2021).

Beyond national frameworks, Indonesia is also a signatory to international agreements, including the Paris Agreement (2015) and the Kyoto Protocol (1997), which commit the country to reducing carbon emissions and enhancing forest conservation efforts. However, translating these commitments into actionable policies at the national level has been fraught with challenges, particularly in the context of corporate accountability. Market-based initiatives, such as the RSPO, have sought to promote sustainable palm oil production, but their voluntary nature limits their impact, as seen in cases like PT Adei Plantation, where RSPO certification failed to prevent illegal land clearing.

Figure 2 illustrates the frequency of legal provisions violated in environmental crimes in Indonesia. Article 78 of UU No. 41/1999 on Forestry, which addresses illegal logging and land clearing, is the most frequently breached, with 200 recorded cases. Article 98 of UU No. 32/2009, focusing on intentional acts causing severe environmental damage, follows with 120 cases. Meanwhile, Article 99 of UU No. 32/2009, dealing with negligence resulting in environmental harm, accounts for 85 cases.

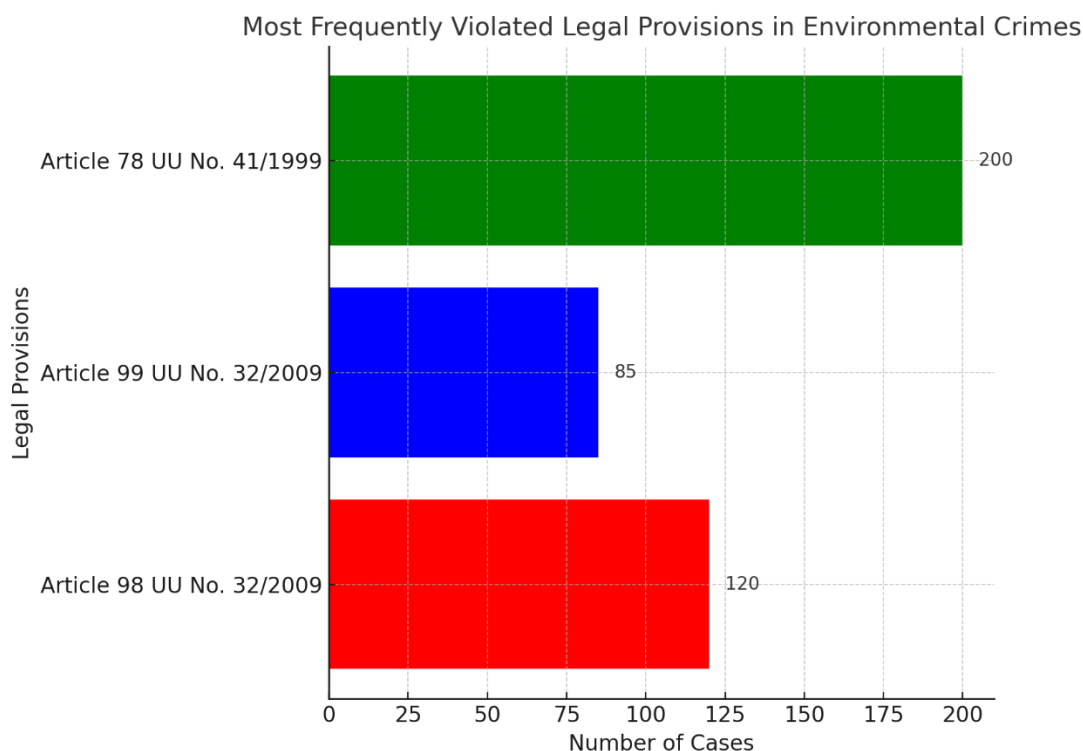


Figure 2. Most frequency of legal provisions violated in environmental crimes in Indonesia

Judicial Effectiveness and Delays in Enforcement

The analysis of case studies highlights significant challenges in the judicial handling of environmental crimes in Indonesia. In the PT Adei Plantation and Industry case (2019), the court imposed a fine of IDR 3.1 billion (~USD 217,000) for burning 4.25 hectares of land. While this penalty adhered to the provisions of UU No. 32/2009 on Environmental Protection and Management, it was disproportionately low compared to the scale of ecological and economic damage caused. The lack of proportionality undermines the intended deterrent effect of such penalties, effectively allowing corporations to factor fines into operational costs rather than incentivizing compliance.

Similarly, the PT Kalista Alam case (2012) illustrates systemic delays in enforcing judicial mandates. The court’s decision to impose a fine of IDR 366 billion and mandate the rehabilitation of 1,000 hectares of burned peatland was a landmark ruling. However, the delayed implementation of these sanctions allowed environmental degradation to persist and significantly weakened the corrective measures prescribed by the court. These findings underscore the importance of expediting judicial processes to ensure timely enforcement and prevent prolonged environmental harm.

Proportionality of Penalties and Deterrence

The proportionality of penalties remains a critical issue in Indonesia’s enforcement of environmental laws. The fines imposed in both the PT Adei Plantation and PT Kalista Alam cases were insufficient to deter future violations. Reports from Greenpeace (2021) suggest that the cost of restoring damaged ecosystems often exceeds the fines imposed, leaving the financial burden of rehabilitation on the government and local communities. This discrepancy highlights the need to recalibrate penalties to reflect the true scale of damage caused.

Comparative insights from Brazil and Malaysia reinforce the importance of stronger deterrence mechanisms. In Brazil, penalties for illegal deforestation in the Amazon include substantial fines, asset seizures, and criminal charges against corporate executives, creating a more robust deterrent effect (Global Environmental Politics, 2021). Malaysia’s sustainable

palm oil certification schemes, while not without limitations, have also introduced financial penalties for non-compliance with environmental standards, incentivizing corporations to adopt more sustainable practices. These examples demonstrate the potential for Indonesia to strengthen its penalty structures by integrating financial and reputational consequences into its enforcement mechanisms.

Influence of International Frameworks

International agreements such as the Paris Agreement and Kyoto Protocol provide a global framework for reducing carbon emissions and promoting sustainable practices. However, their influence on Indonesia's environmental governance has been limited. While Indonesia is a signatory to these agreements, the study finds that their integration into national enforcement mechanisms remains inconsistent. For instance, the commitments under the Paris Agreement to reduce deforestation and carbon emissions have yet to translate into significant policy shifts at the domestic level, as evidenced by the continued prevalence of forest fires and illegal logging.

Market-driven initiatives, such as the Roundtable on Sustainable Palm Oil (RSPO), aim to promote corporate compliance with environmental standards. However, the findings reveal that these voluntary frameworks often fail to address widespread violations effectively. In the PT Adei Plantation case, for instance, the corporation's RSPO certification did not prevent illegal land-clearing practices, raising concerns about the efficacy of voluntary compliance mechanisms (UNEP, 2021). The study suggests that strengthening accountability measures within such frameworks, including mandatory audits and stricter penalties for non-compliance, could enhance their impact on corporate behavior.

Systemic Barriers to Effective Enforcement

The persistence of environmental crimes in Indonesia is exacerbated by systemic governance challenges. Corruption within regulatory and enforcement agencies undermines judicial integrity and the implementation of environmental laws. According to Transparency International (2021), Indonesia ranks 102 out of 180 countries in its Corruption Perceptions Index, reflecting significant vulnerabilities in governance structures. These issues are particularly pronounced in regions like Bangka Belitung, where illegal tin mining operations have reportedly involved collusion between local authorities and corporate actors.

Additionally, resource constraints within enforcement agencies limit their ability to monitor and investigate violations effectively. The Ministry of Environment and Forestry (KLHK) faces challenges in deploying adequate personnel and technology to monitor vast forested areas, allowing illegal activities to go undetected. This lack of capacity hampers the proactive prevention of environmental crimes and further complicates efforts to hold perpetrators accountable.

Opportunities for Reform

The findings highlight several pathways for strengthening Indonesia's environmental governance. First, judicial reforms aimed at expediting case resolution and ensuring proportional penalties are essential. The establishment of specialized environmental courts, similar to those in Brazil, could help streamline judicial processes and improve the consistency of rulings.

Second, recalibrating penalties to reflect the ecological and economic harm caused by environmental crimes is crucial. Progressive fines based on the scale of damage, coupled with asset forfeitures and criminal charges for repeat offenders, can serve as more effective deterrents.

Third, leveraging international frameworks and market-based initiatives more effectively could enhance corporate accountability. Strengthening the enforcement of commitments under the Paris Agreement and introducing mandatory compliance audits within RSPO certification schemes would align national policies with global sustainability goals.

Finally, addressing systemic barriers such as corruption and resource limitations requires targeted institutional reforms. Increasing funding for enforcement agencies, improving transparency mechanisms, and fostering public engagement can enhance the capacity and credibility of environmental governance in Indonesia.

CONCLUSION

This study highlights significant challenges in the judicial and enforcement mechanisms governing environmental crimes in Indonesia. Through an analysis of key cases, such as PT Adei Plantation and PT Kalista Alam, the findings underscore systemic gaps in judicial effectiveness, the inadequacy of penalties, and the limited integration of international frameworks into domestic policies. These shortcomings hinder the ability of Indonesia's legal system to hold corporations accountable, perpetuating cycles of environmental degradation and undermining global sustainability goals. The disproportionate penalties imposed and the delays in enforcement further exacerbate these issues, allowing corporations to prioritize profits over compliance.

Additionally, systemic barriers such as corruption, resource constraints, and weak governance structures impede the consistent application of environmental laws. While Indonesia has established comprehensive legal frameworks, their implementation remains inconsistent, limiting their deterrent effect. International frameworks, such as the Paris Agreement, and market-driven initiatives like the RSPO, offer valuable pathways for improving corporate accountability but require stronger enforcement measures and integration into national governance systems.

Broader Implications

The findings of this study have significant implications for both Indonesia and other developing nations grappling with similar challenges in environmental governance. By addressing judicial inefficiencies, recalibrating penalties, and integrating international frameworks, Indonesia can set a precedent for sustainable environmental practices in the Global South. Furthermore, the interdisciplinary approach adopted in this research—combining legal analysis, environmental science, and governance studies—demonstrates the value of holistic strategies in tackling complex socio-environmental issues.

Limitation

While this study provides valuable insights into Indonesia's environmental governance, it is not without limitations. First, the reliance on secondary data, such as judicial documents and organizational reports, restricts the ability to capture real-time enforcement practices or firsthand perspectives from key stakeholders, such as policymakers and local communities. Second, the focus on two case studies—PT Adei Plantation and PT Kalista Alam—limits the generalizability of findings across other regions and environmental crimes, such as illegal fishing or industrial pollution. Third, the study does not incorporate quantitative assessments of enforcement capacity, such as resource allocation or technological capabilities, which could provide a more detailed understanding of systemic barriers.

Recommendations for Future Research

Future research should expand on this study by adopting a mixed-methods approach that integrates qualitative insights with quantitative data. Fieldwork, including interviews with

policymakers, enforcement officials, and affected communities, can provide a deeper understanding of the systemic challenges in enforcing environmental laws. Additionally, analyzing a broader range of case studies across different environmental crimes—such as illegal mining, industrial pollution, and marine resource exploitation—could offer a more comprehensive perspective on governance gaps.

Further, future studies should explore the role of technology in enhancing enforcement mechanisms. For example, the use of satellite imagery, drones, and real-time monitoring systems could be examined to assess their potential in detecting and preventing illegal activities. Comparative research focusing on successful governance models in other countries, such as Brazil's Amazon conservation efforts or Malaysia's palm oil certification schemes, could also offer valuable lessons for Indonesia.

Finally, research on the socioeconomic impacts of environmental crimes, particularly on vulnerable communities, could complement governance-focused studies by highlighting the broader human costs of environmental degradation. This interdisciplinary focus can inform more holistic policy reforms that address both ecological and social dimensions of sustainability.

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