

Legal Protection for Whistleblowers from an Indonesian Employment Perspective

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Whistleblowing plays a strategic role in maintaining transparency and accountability within institutions, including in the context of employment relations. However, whistleblowers often face retaliation in the form of dismissal, psychological pressure, or unfair transfers. In Indonesia, regulations explicitly protecting whistleblowers from retaliation are still absent. The absence of an anti-retaliation clause in Law Number 13 of 2003 concerning Manpower indicates a weak legal framework for whistleblowers in the workplace. This study aims to analyze the legal gaps related to the protection of whistleblowers, identify socio-cultural factors that exacerbate the risk of retaliation, and compare protection models in other countries such as Malaysia and Australia. The methods used are a normative juridical approach and comparative law. The results show that Indonesian regulations are still partial and do not provide strict sanctions for perpetrators of retaliation. Therefore, legal reform is needed, including anti-retaliation provisions in the Employment Law and collaborating with the Witness and Victim Protection Agency (LPSK). This reform is crucial for strengthening good governance practices in the workplace and ensuring legal protection for workers with integrity.

Keywords: Whistleblower, Retaliation, Labor Law, Legal Protection

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1. Introduction

Whistleblowing is a social and institutional control mechanism that plays a crucial role in promoting transparency, accountability, and organizational integrity, including in employment relations. In the employment context, whistleblowing enables workers to report violations occurring in the workplace, such as misappropriation of funds, minimum wage violations, discrimination, and internal corporate corruption. However, in practice in Indonesia, reporting such violations often carries the risk of retaliation from superiors or the institution where the worker works. Ramadhany (2023) notes that whistleblowers are often perceived as disloyal and disruptive to organizational stability. This negative perception directly hinders workers' courage to report violations, even those committed in good faith.

Mulyono & Sari (2025) note a clear disparity between the ideal of legal protection and the social realities experienced by workers who report violations in the workplace. In many industrial relations cases, workers who report violations experience termination of employment, social exclusion, or psychological distress. This phenomenon aligns with empirical findings showing that the majority of whistleblowing cases result in retaliation against the whistleblower (Heese, 2021). The impact of this retaliation is not only administrative but also develops into a career crisis that impacts professional reputation and job sustainability. Job loss due to retaliation often complicates workers' social and professional reintegration (Hennequin, 2021). This demonstrates the weakness of legal protections that should guarantee the safety of whistleblowers from retaliation in Indonesia, where legal protection for whistleblowers remains suboptimal in protecting against retaliation (Natasia et al., 2024).

Law Number 13 of 2003 concerning Manpower essentially provides general protection for workers, but does not explicitly prohibit retaliation against whistleblowers. Consequently, the available legal protection is general in nature and does not provide concrete guarantees for workers who report in hierarchical employment relationships. The national legal system also has not comprehensively harmonized whistleblower protection with the principles of witness and victim protection (Juwita, 2016). The absence of anti-retaliation norms weakens the legal standing of reporting workers when confronted by managerial power. This situation demonstrates a legal vacuum in whistleblower protection in the employment sector.

In comparison, several countries have developed more robust and operational whistleblower protection systems. Australia, through the Public Interest Disclosure Act 2013, provides protection for whistleblower identities and legal sanctions against retaliation (Australian Research Council, 2013). Meanwhile, the European Union, through Directive 2019/1937, requires member states to provide secure reporting channels and protection against retaliation as part of the standard for harmonizing whistleblower protection laws across the EU. This regulation places whistleblowing as part of the legal rights of workers protected by the state. This comparison highlights the gap in legal protection between Indonesia and other jurisdictions. This gap reinforces the urgency of reforming national employment laws (EUR Lex, 2019).

In the Indonesian context, whistleblower protection still relies on Law Number 31 of 2014 concerning Witness and Victim Protection. However, the scope of this protection is still limited to specific criminal acts and does not fully cover industrial relations violations (Sujana et al., 2025). As a result, workers who report labor violations do not receive adequate post-reporting protection. This situation reduces the effectiveness of whistleblowing mechanisms in the employment sector. Therefore, sector-specific legal protection is an urgent need. Husna et al. (2025) emphasize that whistleblower protection in Indonesia still relies on regulations regarding witnesses and victims, while Malaysia has adopted the Whistleblower Protection Act 2010, which explicitly prohibits retaliation, guarantees whistleblower confidentiality, and comprehensive reporting procedures.

In addition to legal aspects, social and cultural factors also exacerbate this situation. The paternalistic culture in the Indonesian workplace often positions superiors as figures who cannot be criticized, thus prioritizing personal loyalty over adherence to law and ethics, which in turn discourages workers from reporting violations. Empirical research shows that fear of retaliation and a less supportive work environment significantly reduce workers' intention to use whistleblowing mechanisms (Mulyono & Sari, 2025). Furthermore, in the Asian context in general, studies also note that the threat of social and career retaliation is a significant factor inhibiting the tendency to report violations, although the exact figures vary across countries and studies primarily emphasize the collectivist cultural barriers in the region (Paraswansa & Utomo, 2020). Thus, the issue of whistleblowing is not only legal but also sociological.

Given these conditions, the establishment of specific anti-retaliation regulations in labor law is an urgent need. Legal certainty is a major factor in the success of a whistleblowing system, because without firm protection guarantees, workers will continue to be in a vulnerable position (Koni et al. (2025). Anti-retaliation regulations are needed to protect individuals while strengthening the company's internal oversight system. The existence of clear rules also has the potential to increase a culture of compliance and transparency in the workplace. Thus, reforming labor law is a prerequisite for creating fair and sustainable industrial relations governance. This confirms that the success of a whistleblowing mechanism is highly dependent on legal certainty that guarantees the safety of whistleblowers from all forms of intimidation and the risk of retaliation.

This research is novel because it specifically examines the gap in anti-retaliation regulations in the context of industrial relations. Most previous research has focused on whistleblowers in corruption cases and the

public sector, leaving private sector workers relatively neglected (Scherbarth & Behringer, 2021). Yet, labor violations in the private sector have a direct impact on the fulfillment of workers' rights. This research addresses this gap through a normative and comparative legal approach. Therefore, the research findings are expected to provide theoretical and practical contributions to the reform of Indonesian labor law.

2. Method

This research employs a normative juridical approach, focusing on the analysis of positive legal norms and legal doctrines related to the protection of workers as whistleblowers. This approach is used to examine the extent to which the Indonesian labor law system provides protection for reporting workplace violations, while also identifying any legal gaps that have not been explicitly regulated, particularly regarding the prohibition of retaliation against whistleblowers. The normative juridical method is relevant for legal research aimed at formulating recommendations for regulatory reform. This approach is commonly used in normative legal research (Pujjati, 2024).

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations, such as Law Number 13 of 2003 concerning Manpower and Law Number 31 of 2014 concerning Witness and Victim Protection. Secondary legal materials include scientific literature, national and international journal articles, and reports from official institutions such as the Witness and Victim Protection Agency (LPSK), the International Labour Organization (ILO), and the Ministry of Manpower. Tertiary legal materials include legal dictionaries and legal encyclopedias, which were used to clarify legal concepts relevant to the research.

Data collection techniques were conducted through a literature review, examining various written legal sources related to the research topic. Data analysis was conducted using a legislative approach and a comparative legal approach. The comparative approach was used to compare Indonesian regulations with those of other countries with more mature whistleblower protection systems. This method is effective for formulating recommendations for solution-oriented and contextual legal reforms. The results of the analysis are presented descriptively and analytically. Through this method, this study aims to describe the current state of legal protection for whistleblowers from a labor perspective in Indonesia, while also offering a model for legal reform that aligns with the principles of justice and good governance.

3. Results and Discussion

Legal Gap in Anti-Retaliation Regulation within Indonesian Labor Law

The whistleblowing phenomenon in Indonesia has yet to receive adequate legal support, particularly in the labor sector, which still lacks regulations protecting whistleblowers. The absence of explicit provisions in Law Number 13 of 2003 concerning Manpower has resulted in retaliatory actions against whistleblowers, such as unilateral termination of employment, forced transfers, and psychological pressure, which continue to occur frequently without clear legal consequences. According to Nurhayati et al. (2022, p. 112), "most cases of retaliation in the workplace cannot be effectively resolved because there is no specific regulatory basis for whistleblower protection in the labor sector." This situation demonstrates a legal vacuum that directly impacts a weak reporting culture in companies. As a result, whistleblowing is perceived as a risky act rather than a worker's right guaranteed by the state.

This weakness in legal protection becomes even more apparent when linked to the position of whistleblowers in unequal employment relationships. Amelia et al. (2025) assert that legal protection for whistleblowers in corruption cases remains weak, especially for whistleblowers in the private sector who directly face managerial power. This demonstrates that reporting workplace violations is not yet fully

viewed as part of workers' normative rights. In the same context, whistleblowing remains confined to the realm of morality and ethics, rather than as an explicitly protected legal act. This situation increases the risk of retaliation and weakens whistleblowing's function as an instrument of organizational accountability.

This view is reinforced by the findings of Hertanto et al. (2024), who stated that whistleblowing in Indonesia is not yet recognized as a protected act under labor law. The absence of an anti-retaliation clause creates legal uncertainty for workers attempting to report internal violations. Hariz et al. (2024) observed that the Indonesian legal framework still treats whistleblowing as a purely ethical act, rather than a worker's legal right. These conceptual limitations contribute to a weak organizational accountability system. Thus, whistleblowing has not been able to function optimally as an internal oversight mechanism.

Workers' fear of reporting is also reflected in empirical findings regarding workers' reticence regarding legal violations. Empirical studies show that the majority of workers are reluctant to report due to fear of losing their jobs or being socially ostracized in the workplace. Uncertainty about post-reporting protection is a dominant factor holding workers back from taking action. This situation demonstrates that weak legal protection not only has normative impacts but also psychological and social ones. Therefore, the lack of anti-retaliation regulations is a structural problem in the Indonesian employment system (Natasia et al., 2024).

Cultural and Social Barriers in Implementing Whistleblowing

In addition to legal aspects, cultural and social factors exacerbate the lack of protection for whistleblowers. Indonesia is characterized by a paternalistic and hierarchical work culture. Abdullah & Puluhalawa (2025) explain that in Indonesian organizational culture, loyalty to superiors is considered more important than compliance with regulations. This condition often leads to whistleblowers being perceived as traitors or disloyal to the company.

Fear of retaliation and social peer pressure have been shown to reduce reporting intentions by up to 40% in private companies, demonstrating the strong influence of non-legal factors on workers' willingness to whistleblow (Abdullah & Puluhalawa, 2025). In practice, retaliation does not always take the form of formal legal sanctions, but can also manifest as a downgrade in performance appraisals or transfers without clear justification (Afifah & Zarefar, 2021). These informal forms of retaliation are often difficult to prove legally and directly impact workers' career positions. This situation demonstrates that whistleblower protection is not merely normative; it must also encompass hidden retaliation practices in the workplace. Therefore, a legal mechanism is needed to guarantee protection and fair treatment for whistleblowers after the reporting process (post-disclosure protection).

Thus, the main obstacle to whistleblowing in Indonesia stems not only from the lack of written regulations, but also from an organizational culture that does not support transparency and accountability. Without changes in values and power relations in the workplace, legal protection has the potential to be suboptimal. Anti-retaliation legal reform will be effective only if accompanied by a transformation of values within the workplace. Therefore, whistleblower protection requires a simultaneous legal and social approach.

International Comparative Study of Whistleblower Protection

From a comparative legal perspective, Indonesia's whistleblower protection system lags behind that of other countries such as Australia, Malaysia, and the European Union. This comparative approach is crucial for identifying best practices that can be adopted in the national context. Australia, through the Public Interest Disclosure Act 2013, strictly prohibits all forms of retaliation against whistleblowers. This regulation also provides legal immunity for workers who report in good faith. This protection creates a sense of security for whistleblowers in carrying out their roles.

Abdullah and Puluhulawa (2025) explain that "Australia's model guarantees confidentiality, legal immunity, and mandatory independent investigation to ensure the safety of whistleblowers." These mechanisms are not only normative but also operational in practice. With this system, whistleblowers receive legal certainty if they face retaliation. This comprehensive protection strengthens the organization's accountability system. This model demonstrates the importance of specific anti-retaliation regulations.

In the European Union, Directive (EU) 2019/1937 on the Protection of Persons Who Report Breaches of Union Law stipulates that member states are required to provide secure internal and external reporting channels. The European Commission (2019) asserts that "the EU Directive places legal obligations on employers to protect whistleblowers from retaliation and to establish reporting channels." The principle of no retaliation makes whistleblowing a fundamental worker's right. Malaysia has also adopted the Whistleblower Protection Act 2010, which clearly regulates confidentiality, immunity, and reporting procedures. Husna et al. (2025) state that Malaysia's legal framework is far more operational than Indonesia's.

These comparative findings indicate a significant regulatory gap between Indonesia and other jurisdictions. These countries have adopted specific laws protecting whistleblowers, while Indonesia still relies on general witness protection. This general protection is inadequate to address retaliation in employment relationships. Therefore, Indonesia needs to formulate a specific labor whistleblower protection law. These regulations must address reporting mechanisms, confidentiality, and post-reporting protection.

The Urgent Need for Anti-Retaliation Legal Reform in Indonesia

The need for anti-retaliation legal reform in the Indonesian labor system is urgent because the lack of existing norms has created legal uncertainty for whistleblowers. The lack of clarity regarding post-reporting protections leaves workers vulnerable to termination of employment, psychological pressure, and other forms of informal retaliation. This situation hinders the development of a culture of transparency and accountability in the workplace, particularly in the private sector, which has strong managerial power relations. Without the guarantee of firm legal protection, whistleblowing will continue to be perceived as a high-risk activity for workers. Therefore, amending the Manpower Law to include an anti-retaliation clause and requiring the provision of secure internal reporting channels is an urgent need (Mulyono & Sari, 2025).

In addition to updating labor law norms, institutional strengthening is also necessary to ensure effective whistleblower protection. Legal protection for whistleblowers of industrial relations violations cannot rely solely on limited criminal mechanisms. Expanding the mandate of the Witness and Victim Protection Agency to include non-criminal whistleblowers could be an alternative institutional solution. This integration of legal protection is crucial to address labor violations that have previously been under-protected. Synergy between the LPSK (Lembaga Kerjasama dan Pemberantasan Korupsi) and the Ministry of Manpower is expected to strengthen the post-reporting protection system (Ikraam & Febrianti, 2024).

Beyond normative aspects, anti-retaliation legal reform must also be understood as part of efforts to strengthen the principles of good governance in both the public and private sectors. Whistleblower protection is not solely related to legal certainty but also concerns the moral and ethical responsibility of the organization. Without a commitment to good governance, formal regulations have the potential to be ineffective in practice. Therefore, whistleblower protection needs to be integrated with internal company compliance policies and a transparent organizational culture. This approach emphasizes that whistleblower protection is a crucial element of organizational governance with integrity (Amelia et al., 2025).

In line with international practice, a comprehensive whistleblower protection framework should include a prohibition on retaliation, guarantees of identity confidentiality, and legal redress mechanisms for

whistleblowers. International standards emphasize that effective protection must be simultaneously preventative and repressive. Without redress mechanisms, workers who experience retaliation remain disadvantaged even after reporting. These principles are relevant as a reference in formulating Indonesian national policies. Therefore, labor law reforms need to be aligned with internationally recognized whistleblower protection standards.

Therefore, this study recommends that Indonesia:

1. Add an anti-retaliation clause to the revised Manpower Law;
2. Establish an independent oversight body specifically for whistleblowing in the labor sector;
3. Integrate whistleblower protection with the roles of the LPSK (Lembaga Witness and Victim Protection Agency) and the National Commission on Human Rights;
4. Encourage companies to implement confidentiality-based internal reporting policies.

Practical Implications for Labor Governance in Indonesia

The implementation of strong legal protection for whistleblowers will have positive implications for industrial relations governance in Indonesia. A safe and secure reporting system will increase worker trust in the company's internal mechanisms and encourage active participation in legal compliance oversight. The existence of an anti-retaliation mechanism also has the potential to suppress the practices of corruption, collusion, and discrimination that often occur covertly in the workplace. In this context, whistleblowing functions as a preventive instrument that strengthens an organization's internal control system. Thus, whistleblower protection not only impacts individuals but also the overall quality of industrial relations governance.

The existence of strict regulations has been proven to strengthen organizational integrity and increase the effectiveness of internal company oversight. Without a structured whistleblowing system, organizational transparency is difficult to achieve because violations tend to be hidden to maintain the institution's image (Ikraam & Febrianti, 2024). This situation demonstrates that good labor governance depends heavily on workers' courage to report. This courage can only develop if workers feel legally secure after reporting. Therefore, post-reporting protection is a crucial element in a modern employment system.

Furthermore, a transparent and secure whistleblowing system also contributes to the prevention of industrial relations conflicts. Heese (2021) emphasized that a transparent and secure whistleblower protection framework can increase worker trust and prevent the escalation of labor disputes. This study demonstrates that an effective whistleblower protection framework can prevent the escalation of labor disputes before they develop into open conflict. With a trusted reporting mechanism, violations can be resolved internally without leading to protracted disputes. This has a positive impact on the stability of labor relations and company productivity. Therefore, whistleblower protection plays a strategic role in maintaining a conducive work climate.

Another practical implication is seen in improving the company's image and reputation in the public eye. Companies with credible internal reporting systems tend to be perceived as entities that uphold ethics and social responsibility. This positive perception is crucial for maintaining the trust of investors, consumers, and other stakeholders. In the long term, transparent governance will enhance a company's competitiveness. Thus, whistleblower protection provides both economic and legal benefits to organizations.

Overall, anti-retaliation legal reform has strategic implications for the development of fair, transparent, and sustainable labor governance. Whistleblower protection is a prerequisite for realizing the principles of good governance in industrial relations. Without adequate protection, whistleblowing mechanisms will not function optimally. Therefore, strengthening whistleblower protection regulations and practices should be viewed as a long-term investment in the national labor system. This approach emphasizes that

whistleblower protection is not only an academic necessity but also a practical requirement in the workplace.

4. Conclusion

This study concludes that the absence of anti-retaliation regulations in the Indonesian labor law system has created a legal gap that hinders the effectiveness of protection for whistleblowers. Although Law Number 31 of 2014 concerning Witness and Victim Protection provides protection for whistleblowers in a criminal context, the regulation does not cover violations in the industrial relations sector. As a result, workers who report labor violations are vulnerable to administrative sanctions, dismissal, and psychological pressure.

In addition to normative factors, hierarchical and paternalistic organizational culture barriers also reinforce workers' fear of reporting, resulting in ineffective whistleblowing mechanisms. Therefore, the establishment of a labor law framework that explicitly prohibits retaliation and protects whistleblowers is an urgent need to realize transparent, accountable labor governance based on the principles of good governance.

Based on the research findings, it is recommended that the government immediately revise the Labor Law to include anti-retaliation provisions that explicitly prohibit all forms of retaliation against whistleblowers. These regulatory updates need to be complemented by clear post-reporting protection mechanisms, including guarantees of job security, identity confidentiality, and access to legal remedies for whistleblowers. Furthermore, institutional coordination between the Ministry of Manpower and the Witness and Victim Protection Agency (BPWP) is needed to expand the scope of whistleblower protection beyond the criminal context. Employers are also advised to establish a secure, transparent, and confidentiality-based internal reporting system as part of their company compliance policies. Future research is expected to empirically examine the implementation of whistleblower protection to assess the effectiveness of regulations and protective practices in the workplace.

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