

The Legal Construction of Business Ethics to Prevent Abuse in Pre-Contractual Bank Credit

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Abstract: Bank credit distribution plays a strategic role in supporting economic growth, but it also carries the potential for abuse of authority, particularly at the pre-contractual stage. This stage affords bank officials broad professional discretion, thereby creating opportunities for misconduct that formal legal mechanisms cannot always address. This situation indicates that problems relate not only to institutional aspects but also to the quality of the use of authority by individuals. This study aims to analyze the role of business ethics and formulate an ethical construct as a preventive mechanism. The method used is normative legal research through a literature review. The results of the study indicate that control cannot simply rely on formal procedures but requires ethics as a standard in decision-making. The study produces a three-tiered legal construct comprising: (1) mandatory conflict-of-interest disclosure before credit recommendation, (2) ethical review as a supplementary layer in credit approval, and (3) integration of ethical documentation requirements into credit SOPs. These mechanisms operationalize business ethics as a preventive instrument within the pre-contractual legal gap.

1. Introduction

Indonesia's economic development has experienced rapid growth and progress. This has led to the availability of adequate financing for the public and businesses. Banks are institution that provides financial services with the aim of supporting the development of a country's national economic system.¹ In Indonesia, the banking sector is a crucial element in supporting economic activity, both at the micro level, such as individuals, households, and small businesses, and at the macro level related to national economic stability. Law and morals are interrelated, but these two things are different from each other because an activity can be legally acceptable but not ethically acceptable.² On the other hand, the national financial system encompasses all financial institutions, instruments, markets, and infrastructure that support the circulation of funds in the economy.³

¹ Mochammad Shidon Prabowo, *Hukum Ekonomi dan Perbankan*, (Medan: PT Media Penerbit Indonesia, 2025), 18.

² Frederik, W.A. "Relevansi Etika Bisnis Dalam Hukum Perjanjian Kredit Perbankan". *J. Huk. Pembang.* 42, 436, (2012). <https://doi.org/10.21143/jhp.vol42.no4.267>.

³ Hamdan Azhar Siregar, *Hukum Perbankan Indonesia: Teori dan Praktik dalam Sistem Keuangan*, (Medan: PT Media Penerbit Indonesia, 2024), 5.

This system consists of various parties, namely banks, capital markets, financing institutions, and other institutions that function as financial intermediaries between parties with excess funds and those in need of financing. The increasing number of parties requiring financing in various business sectors encourages banks to carry out the credit distribution process not only prioritizing fast and efficient service, but also upholding professionalism, prudent conduct, and maintaining public trust.⁴

Credit distribution is one of the essential functions of banking business activities related to financing for the public and businesses. Through credit distribution, banks perform an intermediary function by channeling funds collected from the public to those in need with the aim of stimulating the economy through consumption, production, distribution, and even exports and imports.⁵ Beyond its intermediary function, in a macroeconomic context, credit distribution also plays a role in financial system stability and real sector development.⁶ Meanwhile, in a microeconomic context, credit distribution is related to increased productivity, such as working capital needs, business expansion, and increased operational capacity. Therefore, the implementation of transparent and accountable governance in the credit distribution process is crucial to minimizing financing risks and maintaining public trust in the banking industry

Normatively, regulations regarding bank credit distribution are stipulated in internal bank regulations and supported by various laws and regulations as well as supervision by the Otoritas Jasa Keuangan (OJK). Generally, these regulations require banks to conduct a thorough feasibility analysis of each credit application from prospective customers. Banks conduct credit analyses to assess whether a credit application is feasible for a prospective customer.⁷ Bank officials are authorized to make decisions to accept or reject credit applications based on the results of this in depth analysis, guided by the principle of prudence. The principle of prudence is a fundamental principle stating that banks, in conducting their operations, must prioritize a cautious approach to maintain the health of the banking sector and protect the interests of prospective customers.⁸ Furthermore, credit disbursement in the banking sector is a high-risk activity, and if not managed properly, it can not only disrupt the bank's health but also monetary stability.⁹

Although the principle of prudence is a crucial principle in the banking business, in practice, the credit distribution process is not straightforward. Furthermore, within the national banking industry, credit expansion policies are one way to encourage financial growth. Bank Indonesia has set a credit growth target of 8%-12% for 2026, higher than the 8%-11% target set for 2025.¹⁰ This

⁴ Andika Persada Putera, *Hukum Perbankan*, (Surabaya: Scopindo Media Pustaka, 2021), 2.

⁵ Abdul Aziz & Sri Maulida, "Bank Credit Growth in Indonesia During The Covid-19 Pandemic and Its Regulations," *Journal of Central Banking Law and Institutions* 3, no. 1, (2024): 177-202, <https://doi.org/10.21098/jcli.v3i1.47>.

⁶ Tutik Siswanti & Tsaldi Basis Arvicano, "Strategi Perbankan dalam Meningkatkan Laba: Sinergi DPK, Penyaluran Kredit, dan Modal Bank Umum Milik Negara Periode 2020-2024," *Jurnal Bisnis dan Akuntansi Unsurja* 11, no. 1, (2026): 62-74, <https://doi.org/10.35968/jbau.v11i1.1900>.

⁷ Bisdan Sigalingging, Ida Hanifah, Zainuddin, & M Syukran Yamin Lubis, "Kewajiban Bank dalam Melakukan Analisis Kredit Terhadap Permohonan Calon Nasabah Debitur," *Proceeding International Seminar on Islamic Studies Medan* 4, no. 1, (2023): 1409-1418, <https://doi.org/10.3059/insis.v0i0.19966>.

⁸ Khalimo & Kodrat Alam, "Penegakan Hukum Terhadap Pelanggaran Prinsip Kehati-Hatian dalam Pemberian Kredit Perbankan," *Jurnal Yustisia* 8, no. 1, (2022): 15-35, <https://doi.org/10.31943/yustitia.v8i1.152>.

⁹ Meirina Dewi Pratiwi, "Pangaturan Hukum Prudential Banking Principle Terhadap Batas Maksimum Pemberian Kredit," *Jurnal Rechten: Riset Hukum dan Hak Asasi Manusia* 7, no. 3, (2025): 1-13, <https://doi.org/10.52005/rechten.v7i3.228>.

¹⁰ Lydia Tesaloni, "Regulator Kerek Target Penyaluran Kredit pada 2026: Sejumlah Bank Susun Strategi," accessed March 20, 2026, <https://amp.kontan.co.id/news/regulator-kerek-target-penyuluran-kredit-pada-2026-sejumlah-bank-susun-strategi>.

expansionary policy indirectly puts pressure on bank officials involved in the credit distribution process. This will also impact the objectivity of risk assessments and broaden the interpretation of bank officials in credit approval decisions. In addition to the pressures posed by Bank Indonesia's expansionary policies, the extent of bank official's discretion is also influenced by industry competition and the complexity of operational procedures, coupled with limited time. Ultimately, this situation can also be considered an indication of abuse of authority, as subjectivity in interpreting business feasibility and assessing financing risks tends to increase, especially when not balanced with professionalism. This situation encourages an orientation toward personal gain, prioritizing certain credit approvals, or even conflicts of interest in providing credit recommendations.

Interestingly, the phenomenon of abuse of authority occurs more frequently in the pre-contractual stage, or before a contract is signed, so a contract has not yet been declared legally valid.¹¹ According to Ramzy Humris, in his book, "Understanding Motives and Anticipating Abuse of Authority in the Banking Business," one cause of abuse of authority by bank officials is a consumptive lifestyle, shaped by demographic and psychographic factors.¹² This abuse is often difficult to address through positive legal mechanisms because it occurs within the discretionary space and power relations between bank officials and prospective customers. Therefore, the implementation of regulations that rely solely on procedural compliance and structural oversight is inadequate to prevent such practices. Furthermore, the lack of legal relations at the pre-contractual stage makes abuse of authority difficult to identify and prevent early. Currently, the legal framework governing bank credit distribution generally focuses only on the aspect of accountability after the contract is formed, thus placing law enforcement in a repressive control process. However, if preventive controls are not implemented, there are concerns that this will trigger further abuse of authority and impact the quality of credit distribution and banking governance in general. This situation demonstrates the lack of a legal construction governing preventive controls over the credit distribution process before a contractual relationship is established.

Essentially, problems in bank credit distribution are not only caused by weak governance or oversight systems, but are also closely related to the moral and integrity aspects of individual bank officials as holders of authority. Given the importance of preventive controls in the bank credit distribution process, business ethics is relevant to consider as a normative reference in regulating the authority of bank officials. This is because in the modern banking world, business ethics and law are a central component in carrying out responsible operational activities. Business ethics refers not only to banking compliance with laws and regulations but also refers to moral values such as fairness, transparency, and social responsibility.¹³ The application of business ethics in banking is a crucial factor in a business activity that focuses not only on good management and quality of human resources, but also on the application of good ethics in its activities.¹⁴ By implementing

¹¹ Agus Suwandono, "Pemahaman Tahapan Pra Kontraktual dalam Penyusunan Kontrak untuk Mewujudkan Perlindungan Para Pihak," *Jurnal Kabar Masyarakat* 2, no. 1, (2024): 241-246, <https://doi.org/10.54066/jkb.v2i1.1630>.

¹² Ramzy Humris, *Memahami Motif dan Mengantisipasi Penyalahgunaan Wewenang dalam Bisnis Perbankan*, (Jakarta: Kompas Gramedia, 2014), 27.

¹³ Agree Dani Norruchman, Halimah Zahrah, Amanda Helinkika, & Shelly Setiawan, "Analisis Pelanggaran Etika Hukum Bisnis dalam Penanganan Kredit Macet terhadap Nasabah Prioritas," *Jurnal Ekonomi dan Manajemen* 2, no. 2b, (2025): 4255-4264, <https://doi.org/10.62710/p2615g22>.

¹⁴ M Rizky Mahaputra & Farhan Saputra, "Application of Business Ethics and Business Law on Economic Democracy that Impacts Business Sustainability," *Journal of Law Politic and Humanities* 1, no. 3, (2021): 112-122, <https://doi.org/10.38035/jlph.v1i3.56>.

business ethics in the banking environment, particularly among bank officials in the distribution of bank credit, banks quickly gain the trust of potential customers, other business actors, and the wider community. Furthermore, the application of business ethics in the banking environment can be used as an approach that has the potential to minimize the abuse of authority by bank officials before a binding relationship is formed between the parties.

This research stems from the increasing complexity of bank credit distribution, which relates not only to regulatory compliance but also to the potential for abuse of authority by bank officials during the credit approval process. In practice, abuse of authority often occurs at the pre-contractual stage through various forms of subjectivity, conflicts of interest, and personal interests in assessing creditworthiness. This situation raises concerns about declining credit quality, increasing governance risks, and potentially weakening the principle of prudence, a key banking principle. Although banking law establishes mechanisms for oversight and accountability in credit distribution, these regulations still tend to focus on repressive controls after the contract is formed. Meanwhile, preventative control mechanisms are increasingly needed. In this regard, business ethics has the potential to serve as a guideline for professional behavior that can foster integrity and objectivity in credit decision-making. However, legal studies that specifically address business ethics as part of the legal construction for preventing abuse of authority in bank credit distribution at the pre-contractual stage are still relatively limited.

Prior scholarly work on bank credit governance has focused primarily on three areas: (1) prudential principles and credit risk management;^{15 16} (2) post-contractual enforcement and accountability for non-performing loans;^{17 18} and (3) general business ethics in banking.^{19 20} However, a critical gap remains: no study has specifically constructed a legal framework that positions business ethics as a preventive instrument operating at the pre-contractual stage of bank credit distribution, before any formal legal relationship is established between bank and customer. This study fills that gap by formulating a three-tiered ethics-based legal construct applicable at the pre-contractual stage.

The novelty of this study lies in its reframing of business ethics from an abstract moral standard into an operationalizable legal instrument within the pre-contractual credit distribution process - a stage previously unaddressed by formal banking law. Unlike existing studies that treat ethics as supplementary to regulatory compliance, this study constructs ethics as a primary normative layer with three concrete mechanisms: conflict-of-interest disclosure, ethical review, and SOP integration. This research aims to analyze how business ethics can be constructed from a legal perspective as a preventive mechanism against abuse of authority in bank credit distribution at the pre-contractual stage. This research also aims to identify weaknesses in the legal approach that has so far emphasized repressive control, and to formulate a model for integrating business ethics into a legal framework for credit distribution that is oriented towards prevention. The results of this research are expected to provide a conceptual contribution to strengthening banking governance and serve as normative recommendations in the development of more responsible and integrity-based credit distribution policies.

¹⁵ Khalimo & Kodrat Alam, *Op. cit.*

¹⁶ Meirina Dewi Pratiwi, *Op. cit.*

¹⁷ Daniel Yulius Caesar, *Op. cit.*

¹⁸ Sitorus et al., *Op. cit.*

¹⁹ Farah Qalbia & M Reza Saputra, *Op. cit.*

²⁰ Raden Besse Kartoningrat, Isetyowati Andayani, *Op. cit.*

2. Method

This study uses a normative research method that positions law as a system of norms that functions to regulate the authority of bank officials in the practice of bank credit distribution. According to normative legal research, law is placed in a system of norms, which also includes the principles and rules of laws and regulations, court decisions, agreements, and doctrines.²¹ The approach used in this study is a conceptual approach by analyzing the concepts of abuse of authority, the principle of prudence, and business ethics as a preventive mechanism from a legal perspective. As a normative legal research, this study uses legal materials as the main source, consisting of primary legal materials and secondary legal materials. Data collection techniques are carried out based on literature studies by collecting data and information on legal materials by reading, viewing, listening, and searching through internet media.²² The collected data are analyzed using a qualitative descriptive method, namely producing descriptive data in the form of words or spoken from people and observable behavior.²³ Through this analysis, this study aims to formulate the legal construction of business ethics as a preventive mechanism in preventing abuse of authority in bank credit distribution.

Primary legal materials include Law Number 10 of 1998 concerning Banking, OJK Regulations on banking governance, and Bank Indonesia circulars on credit prudentiality. Secondary legal materials comprise peer-reviewed legal journals, legal textbooks on banking law and business ethics, and court decisions relating to banking authority abuse. Tertiary legal materials include legal dictionaries and encyclopedias. The conceptual approach synthesizes these materials to construct an ethics-based preventive framework for the pre-contractual stage.

3. Abuse of Authority in Bank Credit Distribution at the Pre-Contractual Stage

Banks are intermediary institutions with the primary function of collecting and channeling public funds for national development.²⁴ The activity of channeling public funds can be identified as the provision or distribution of credit, which is also regulated by Indonesian laws and regulations. In practice, the credit distribution process cannot be carried out instantly, rather, it requires several stages involving internal bank parties until approval is reached. The credit distribution procedure is one of the most crucial stages in ensuring the feasibility and security of bank loans.²⁵ Normatively, credit granting must be based on the bank's confidence in the customer, which is based on the debtor's good faith, ability, and commitment to fulfilling their obligations. This confidence is obtained through a creditworthiness analysis guided by the 5C principle.²⁶ First, character, which describes a person's attitude or disposition. Second, capacity, which assesses the effective-

²¹ Suyanto, *Metode Penelitian Hukum: Pengantar Penelitian Normatif, Empiris, dan Gabungan*, (Jawa Timur: Unigres Press, 2022), 87.

²² Muhaimin, *Metode Penelitian Hukum*, (Mataram: Mataram University Press, 2020), 65.

²³ Lexy J Moloeng dalam Suteki & Galang Taufani, *Metode Penelitian Hukum (Filsafat, Teori, dan Praktik)*, (Depok: Rajawali Pers, 2022), 139.

²⁴ Indra Gunawan Purba, Anjani Sipahutar & Irwansyah, "Pengaturan Pemberian Kredit pada Dunia Perbankan di Indonesia," *Jurnal Normatif 2*, no. 2, (2022): 203-211, <https://doi.org/10.54123/jn.v2i2.230>.

²⁵ Oktofian Bannepadang, Yoel Pasar, & Yunus Sirante, "Analisis Prosedur Pemberian Kredit dan Pengikatan Jaminan pada KSP Balota Cabang Tarakan," *Jurnal Studi Ilmu Manajemen dan Organisasi 6*, no. 3, (2025): 915-924, <https://doi.org/10.35912/simo.v6i3.5339>.

²⁶ Arip Aprilian Wijaya, "Analysis of Working Capital Credit Provision and Handling of Bad Credit (Case Study at PT BPR Supra Artapersada Pelabuhan Ratu Branch)," *Journal of Management Economic and Accounting 3*, no. 2, (2024): 489-506, <https://doi.org/10.37676/jmea.v3i2.528>.

ness of capital use. Third, capital, which evaluates and determines the customer's ability to repay the loan. Fourth, condition, in evaluating the loan, takes into account current and future economic, social, and political conditions. Fifth, collateral is a form of security provided by a prospective customer. After analyzing the potential customer's eligibility, the bank then conducts a financing risk assessment, prepares a credit recommendation, and proceeds to the internal approval stage. All of these processes generally occur before the contract binds the parties, or in this case, the pre-contractual stage.

The pre-contractual stage in the bank credit disbursement process is the preparatory phase before a contract is signed.²⁷ This means that at this stage, credit disbursement decisions remain within the bank's internal assessment and are not yet fully bound by a contractual relationship with the prospective customer. The quality of the assessment at the pre-contractual stage significantly determines the direction of the legal relationship that will be formed later. At this stage, to maintain objectivity, the assessment and approval of credit disbursements must be carried out by authorized bank officials.²⁸ Therefore, bank officials, as authorized officials, have sufficient discretion to determine whether a credit application is worthy of approval. This is because, fundamentally, the assessment of a prospective customer's creditworthiness is not always measured quantitatively. Unrestricted and unprofessional assessments can lead to complex governance processes, creating uncertainty in credit disbursement decision-making standards. Under certain circumstances, the subjectivity of bank officials can open up opportunities for abuse of authority, whether due to pressure to achieve predetermined targets, personal interests, or the close relationship between the bank official and the prospective customer.²⁹

Abuse of authority in bank credit disbursement does not always manifest itself explicitly. In some cases, irregularities occur through the use of increasingly legitimate authority, but in reality, it is not considered objectively and professionally. Abuse of authority in credit disbursement generally occurs in the form of accelerated credit processing, neglecting data verification, failing to directly examine collateral or credit objects, and granting preferential credit facilities to certain debtors.³⁰ In this context, it is important to distinguish between the scope of professional judgment in credit decision-making and the abuse of authority. The scope of judgment inherently contains limited subjectivity necessary to assess the eligibility of prospective debtors and analyze financing risks responsibly. However, this scope of judgment becomes an abuse of authority when it is used beyond professional limits and is oriented towards personal interests without the principle of prudence.³¹ Therefore, the use of authority by bank officials in credit disbursement is highly dependent on the integrity of the individual bank official. Such conditions will create a moral hazard

²⁷ Raja Husein, Heri Tahir, & Hasnawi Haris, "Analisis Yuridis Kedudukan Kontrak Standar Perbankan Menurut Hukum Perjanjian Kaitannya dengan Hukum Perlindungan Konsumen," *Supremasi: Jurnal Pemikiran dan Penelitian Ilmu-Ilmu Sosial, Hukum, & Pengajarannya* 20, no. 1, (2025): 170-182.

²⁸ Ibid.

²⁹ Yonika Winner Te'dang, Marsudin Nainggolan, & Kristiawanto, "Rekonstruksi Fungsi Pencegahan Terjadinya Tindak Pidana pada Bank Badan Usaha Milik Negara (BUMN)," *Cendekia: Jurnal Penelitian dan Pengkajian Ilmiah* 2, no. 2, (2025): 240-250, <https://doi.org/10.62335/cendekia.v2i2.958>.

³⁰ Daniel Yulius Caesar, "Kredit Bermasalah pada Bank Usaha Milik Negara sebagai Tindak Pidana Korupsi," *Jurnal Magister Hukum: Law and Humanity* 3, no. 3, (2026): 245-262, <https://doi.org/10.37504/lh.v3i3.775>.

³¹ Vidiawati Nur Hasanah, Najma Kusumawardhani Mustika Putri, & Elvana Akar Yoga, "Analisis Putusan Nomor 796 K Pid Sus 2015 tentang Penyalahgunaan Wewenang dalam Pengelolaan Keuangan di Bank Perkreditan Rakyat," *Jurnal Ekonomi dan Manajemen* 2, no. 1b, (2025): 1529-1547, <https://doi.org/10.62710/g3nsnq86>.

risk that indirectly affects the credit disbursement process and has the potential to cause problems later.

Conflicts of interest are a form of abuse of authority relevant to credit distribution practices.³² Conflicts of interest arise when bank officials have personal relationships and financial interests. Under certain circumstances, conflicts of interest are not always disclosed transparently, making them difficult to detect through formal oversight mechanisms. Furthermore, this abuse of authority is partly caused by pressure to achieve macroprudential credit growth targets. Monetary authorities periodically set credit growth targets to encourage economic growth and financial system stability. However, in practice, these policies regarding credit growth targets actually create performance pressure within banks, which then impacts the objectivity of assessing the creditworthiness of potential customers. Furthermore, competition between financial institutions is also a strong factor in abuse of authority. To maintain market share or increase financing portfolios, banks may be compelled to expedite the credit approval process or relax certain assessment standards. However, such measures endanger banking governance if not balanced with maximum oversight. These factors further reinforce the vulnerability of the pre-contractual stage as a space prone to abuse of authority.

The vulnerability of the pre-contractual stage is also related to the gaps in the positive legal framework. Banking legal regulations generally focus more on accountability and legal protection after the contractual relationship between the bank and the customer has been established. Therefore, the use of authority in the pre-contractual stage is not fully covered by preventive legal control mechanisms. Although Article 29 Paragraph (1) of Law Number 10 of 1998 concerning Amendments to Law Number 7 of 1992 concerning Banking requires banks to carry out their activities with the principle of prudence, in practice, the focus is often more on risk management aspects, rather than on controlling the behavior and integrity of bank officials in the credit decision-making process. This legal limitation means that various forms of abuse of authority can only be identified after they have caused real consequences, such as non-performing loans or losses to the bank. At this stage, the space for effective prevention becomes increasingly limited. Therefore, it is important to review how the use of authority in the pre-contractual stage can be controlled through a more preventive approach, so that the quality of credit distribution can be maintained from the beginning of the financing process.

4. The Role of Business Ethics in Controlling the Use of Authority By Bank Officials

Controlling the use of bank official's authority in disbursing credit cannot be solely based on formal legal mechanisms or company regulations. In doing business, businesses are required to be honest and open and not trick the consumer.³³ Legislation and its derivatives, internal company regulations, and supervision by the Otoritas Jasa Keuangan (OJK) play a crucial role in bank credit distribution. However, in practice, these regulations are heavily influenced by how bank officials

³² Jono Parulian Sitorus, Ahmad Irzal Fardiansyah, & Heni Siswanto, "Penegakan Hukum Pidana Tindak Pidana Korupsi Pemberian Fasilitas Kredit pada Bank Negara Indonesia Cabang Tanjungkarang," *Viva Themis: Jurnal Ilmu Hukum dan Humaniora* 8, no. 2, (2025): 329-444, <https://doi.org/10.24967/vt.v8i2.4326>.

³³ Anshoruddin, Muhammad Luthfi. Tinjauan Hukum Ekonomi Syariah Terhadap Penggunaan Social Media Marketing Panel Pada Akun Instagram Invitasee. *Al-Muamalat: Jurnal Ekonomi Syariah*, 8. (2022). doi:10.15575/am.v8i1.14674.

exercise their authority in the credit analysis and decision-making process. This demonstrates that formal legal mechanisms are inadequate to address the dynamics of bank official's use of authority in practice. The complexity of pre-contractual bank credit decision-making demands professional standards of conduct that shape the actions and responsibilities of bank officials. In this context, business ethics serves as a normative guideline that requires the use of authority to remain consistent with the principle of prudence.

Business ethics can be defined as the values and moral norms applicable to business practices.³⁴ The term "business ethics" also implies a range of ethical applications specifically studying the actions taken by businesses and business actors. Simply put, business ethics is a way of conducting business activities, encompassing all aspects related to the behavior of managers, employees, consumers, and the community.³⁵ The relationship between business ethics and banking is related to morality, namely the right and wrong behavior that exists in a banking business or company.³⁶ Furthermore, business ethics in banking is defined as a set of moral principles and standards of behavior that govern the actions and decisions of bankers in carrying out their professional duties.³⁷ Ethics in the banking sector refers to responsibility, prudence, and honesty in decision-making. Ethics serve as a parameter for bank officials as decision-makers to ensure that decisions made meet ethical standards. In this regard, ethics influence how bank officials use and understand their authority through the process of instilling values. Ethics serve not only as a guideline for behavior but also as a foundation for developing professional character that determines the quality of banking activities. Furthermore, ethics are necessary because the banking business is often likened to a game, where at stake are not only material objects but also the reputation and satisfaction of the community.³⁸ This is relevant to Chowdhury's view, which believes that the implementation of good ethical standards has a positive impact on customer satisfaction and bank performance.³⁹

In credit distribution practices, the interplay of business ethics becomes more pronounced when approval decisions cannot be fully measured through quantitative parameters. Analyzing a prospective customer's creditworthiness often requires professional interpretation of the potential customer's circumstances and risks. In this context, ethics serves as an internal standard of conduct that helps bank officials maintain a balance between professional responsibility and their own discretion. With ethical standards in place, bank officials use of authority remains within reasonable limits, despite their relatively broad discretion. This is primarily because a credit decision that meets administrative requirements does not necessarily reflect the quality of professional judgment. In this context, ethics provides an evaluative framework that allows organizations to assess whether the decision-making process has been conducted fairly, proportionally, and free from irrelevant interests. Thus, the ethical dimension broadens the understanding of the quality of credit disbursement decisions beyond mere formal compliance with legislation.

³⁴ B.M.Kuntjoro Jakti, *Etika Bisnis dan Peraturan Perdagangan Secara Sektorial dan Regional*, (Jakarta: 1989), 3.

³⁵ Moh. Jafar Sodik Maksud, *Hukum dan Etika Bisnis*, (Yogyakarta: Deepublish, 2021), 57.

³⁶ Adelia Zanuba Arifa, Radita Ramadhani, "Etika Bisnis sebagai Pilar Utama dalam Perkembangan Bisnis PT BCA," *Prosiding National Seminar on Accounting, Finance, and Economics (NSAFE)* 3, no. 10, (2023): 34-50.

³⁷ Farah Qalbia & M Reza Saputra, "Peran Etika dalam Menjaga Integritas dan Kepercayaan Publik terhadap Industri Perbankan di Indonesia," *Cemerlang: Jurnal Manajemen dan Ekonomi Basis* 3, no. 1, (2023): 277-286, <https://doi.org/10.55606/cemerlang.v2i1.3298>.

³⁸ Bambang Eko Turisno, *Etika Bisnis*, (Bandung: CV Mandar Maju, 2007), 4.

³⁹ Ibid.

The role of business ethics in controlling the use of authority is also evident in maintaining consistency in assessments among bank officials. Differences in experience, risk perception, and work pressures can influence judgments of a prospective customer's creditworthiness. Without strong standards of conduct, discretion can lead to inconsistencies that impact the quality of credit disbursement. By instilling the value of professional responsibility, ethics helps align perspectives in decision-making, resulting in more consistent and accountable results.⁴⁰ Furthermore, ethics also plays a role in encouraging transparency in decision-making. In credit practice, not all considerations can be explained solely with numbers or technical data. Therefore, ethical awareness encourages bank officials to explain the rationale behind credit decisions more openly and logically. This transparency not only facilitates oversight within the organization but also increases trust in the decisions made.

The role of ethics as a control mechanism is increasingly evident in the ability of bank officials to address aspects of the use of authority that cannot be fully regulated in detail in written regulations.⁴¹ In credit distribution practices, not all forms of deviation manifest as clear violations of procedures, rather, they often occur in decisions that formally appear correct but substantively deviate from the principle of prudence. In this context, ethics serves as an internal testing tool that helps bank officials assess whether a decision has been made reasonably and responsibly, rather than simply fulfilling administrative requirements. Thus, ethics also plays a role in preventing the normalization of potentially deviant practices. In a banking environment with target pressures, there is the potential for justification for decisions that disregard the quality of credit analysis.⁴² Without strong ethical standards, such practices can develop into accepted habits. Therefore, ethics serves to maintain the boundary between acceptable and deviant practices, ensuring that the use of authority remains within accountable limits.

Ultimately, the core role of ethics in controlling the use of authority by bank officials lies in its ability to guide and limit the actions of bank officials from the pre-contractual stage. Ethics not only encourages individuals to act morally, but also prevents excessive use of authority, excessive subjectivity, or the influence of vested interests.⁴³ By creating a professional awareness of accountability in every credit decision-making process, this will encourage bank officials to focus not only on the final outcome of credit approval or rejection, but also on the quality of the underlying considerations. This awareness is crucial to ensure that every decision taken has a rational basis and can be openly explained, if necessary, through internal evaluation mechanisms. Ethical values can then be developed into operational standards that regulate how authority is used responsibly in every credit distribution process. This demonstrates that ethics does not stop at the moral realm of an individual but can be integrated into governance as part of efforts to prevent deviations. Therefore, ethics can be an important foundation in building preventative control mechanisms, particularly at the pre-contractual stage, which is not yet covered by formal legal regulations.

⁴⁰ Siti Asyiah, Marsa Mahendra, Putri Saraswati, Surya Sukti, "Konseptualisasi Etika Profesi Pegawai Bank", *Jurnal Hidayah: Cendekia Pendidikan Islam dan Hukum Syariah* 2, no. 2, (2025): 91-97, <https://doi.org/10.61132/hidayah.v2i2.924>.

⁴¹ Raden Besse Kartoningrat, Isetyowati Andayani, "Implementation of The Banker's Code of Ethics in Providing Protection for Bank Customers," *International Journal of Formal Science: Current and Future Research Trends* 18, no. 1, (2023): 34-42, <http://repository.uwks.ac.id/id/eprint/15398>.

⁴² Binti Lailatur Rohmatin, Arini, & Agus Ahtori, "Penguujian Pengaruh Fraud Hexagon Theory Terhadap Internal Fraud - Studi pada Perusahaan Perbankan di Indonesia," *Jurnal Cendekia Akuntansi* 6, no. 2, (2025): 61-73, <https://doi.org/10.32503/akuntansi.v6i2.7665>.

⁴³ Farah Qalbia & M Reza Saputra, *Op.cit.*

5. Legal Construction of Business Ethics to Prevent Abuse in Pre-Contractual Bank Credit

The need for a control mechanism capable of reaching the pre-contractual stage of bank credit distribution drives the importance of developing an approach based not only on formal regulations but also on strengthening ethics in the use of authority. The pre-contractual stage is crucial because the quality of professional judgment is crucial in establishing a legal relationship between the bank and potential customers. Therefore, a legal construction is needed that can integrate business ethics into the credit decision-making process as a preventive instrument against potential abuse of authority. This legal construction does not position ethics solely as an abstract moral value, but rather as a normative standard that impacts banking practices. Ethics, in this case, is positioned as part of the parameters used in assessing the quality of credit analysis, so that the use of authority is measured not only by requirements and compliance with procedures, but also by the reasonableness and responsibility of the considerations used.

The placement of ethics as a normative standard in bank credit distribution allows for the creation of additional parameters for assessing the validity of financing decisions. Until now, the validity of credit decisions has tended to be measured based on compliance with administrative requirements, completeness of documents, and established risk management analysis. However, compliance with these aspects does not necessarily guarantee that decisions made by bank officials truly reflect the objective use of authority and are free from the influence of particular interests. In practice, a decision may appear legitimate, but it is derived from a deliberation process that is not entirely objective or does not reflect the principle of prudence.⁴⁴ The introduction of business ethics in this situation serves to broaden the assessment standards, focusing not only on the final outcome but also on the quality of the process behind the decision-making.⁴⁵ Ethics serves not only as a guideline for behavior but also as an evaluation tool that can be used to assess the fairness of the use of authority in the bank credit distribution process. The ethical dimension allows banks to identify whether a financing recommendation is based on rational, proportional considerations, and free from irrelevant bias.

Every credit recommendation should be understood as the result of professional judgment encompassing two main dimensions, the technical dimension and the ethical dimension. The technical dimension relates to the assessment of the debtor's financial capacity, business prospects, financing structure, and the level of risk inherent in the credit granted. This assessment is generally conducted through a database. However, because creditworthiness cannot be measured quantitatively, professional judgment by bank officials is still required to interpret the available information. In this regard, the ethical dimension is necessary to understand how the assessment process is conducted.⁴⁶ This dimension encompasses aspects of independence in exercising authority, fairness in considering information, and consistency in applying credit analysis standards. The ethical dimension also encompasses efforts to ensure that there is no influence of personal interests, external pressures, or specific relationships that could undermine the objectivity of the assessment.

⁴⁴ Baidhowi, Rizky Ramadhani, & Surya Wira Yudhayana, "Implementasi Prinsip Kehati-Hatian dalam Praktik Kredit Perbankan: Tinjauan Yuridis terhadap Tanggung Jawab Bank," *Jurnal Ekonomi dan Manajemen* 2, no. 2, (2025): 3407-3416, <https://doi.org/10.62710/gmcqnv91>.

⁴⁵ Aris Gumilar, *Etika Bisnis Era Digital*, (Tangerang: Minhaj Pustaka, 2024), 3.

⁴⁶ Pusti Kosmos, "Penjelasan Tentang Etika Bisnis: Prinsip dan Penerapan," accessed March 20, 2026, <https://bba.telkomuni-versity.ac.id/penjelasan-tentang-etika-bisnis-prinsip-dan-penerapan/>.

One concrete example of the legal construction for business ethics is the strengthening of the obligation to disclose conflicts of interest at the pre-contractual stage. Bank officials involved in the credit analysis and approval process are required to publicly declare any relationships or interests that could potentially affect the objectivity of the assessment.⁴⁷ This obligation is crucial to ensure that every financing decision is made independently and free from irrelevant influences. Disclosure of conflicts of interest serves not only as a transparency tool but also as an initial mechanism to prevent abuse of authority. With disclosure, banking officials can take mitigating measures, such as delegating authority or strengthening oversight of the decision-making process. This mechanism also strengthens accountability because any potential conflicts are identified early.

Preventive legal construction for the use of authority can be developed through the implementation of ethical reviews as part of the credit approval process.⁴⁸ Ethical reviews are a supplementary assessment mechanism aimed at evaluating the reasonableness of professional judgment used in financing analysis. This mechanism does not merely replace financial risk analysis but complements it by assessing aspects of the use of authority. Through ethical reviews, credit decisions are assessed not only on the debtor's business viability but also on the quality of the underlying decision-making process. This enables organizations to identify potential bias, improper judgment, or indications of irregularities that go undetected in technical analysis. The implementation of ethical reviews has an impact on improving the overall quality of banking governance. The process of evaluating the use of authority encourages a culture of more prudent and responsible decision-making. Thus, ethical reviews serve as an additional layer of preventative control.

The next step in the development of business ethics law needs to be directed at integrating ethical values into standard operating procedures (SOPs) for credit disbursement. SOPs, which have previously focused too much on administrative and technical aspects, need to be expanded to include mandatory documentation of ethical considerations at every stage of decision-making. This documentation serves not only as a formal record but also as a means of recording the professional reasoning used in assessing a debtor's creditworthiness. This documentation requirement also fosters discipline in the decision-making process. Bank officials are required to consciously formulate the rationale underlying credit recommendations, ensuring that any considerations used are not implicit or hidden. This circumstance limits the possibility of using authority that is not based on professionally justified reasons. Thus, every financing decision has a basis for consideration that can be clearly traced within the context of the use of authority.

Integrating ethics in SOPs strengthens the internal audit function in overseeing the quality of credit disbursement. With clear standards regarding the use of authority, banking companies can conduct more detailed assessments of credit disbursement decisions. Audits focus not only on the appropriateness of procedures but also on the balance between the considerations used and applicable banking principles. Furthermore, the existence of ethical standards in SOPs allows for systematic evaluation of decision-making patterns. Documented information can be used to identify specific trends in credit granting, including the potential for recurring irregularities. Furthermore, this construct leads to the establishment of preventative good corporate governance in

⁴⁷ Erdiana, "Kepastian Hukum Terhadap Penerapan Prinsip Kehati-Hatian Perbankan dalam Operasional Perbankan," *Syntax Literate: Jurnal Ilmiah Indonesia* 8, no. 10, (2023): 5774-5787, <https://doi.org/10.36418/syntax-literate.v8i10.13766>.

⁴⁸ Ejuma Martha Adaga, Zainab Efe Egieya, & Sarah Kuzankah Ewuga, "A Comprehensive Review of Ethical Practices in Banking and Finance," *Finance & Accounting Research Journal* 6, no. 1, (2024): 1-20, <https://doi.org/10.51594/farj.v6i1.705>.

the banking sector. This good corporate governance emphasizes the importance of controls from the initial stages of decision-making to prevent irregularities, rather than focusing on enforcement after a violation occurs.

Involving ethics through a preventative approach in the use of authority is part of a process that must be controlled from the outset, not simply assessed after a decision has been made. This requires alignment between operational standards, organizational values, and decision-making practices in the field. Through a preventative approach, business ethics serves not only as a code of conduct but also as part of an integrated risk control system. This enables banking companies to anticipate potential abuses of authority before they cause broader financial or reputational impacts. This approach strengthens the organization's ability to maintain sustainable operational stability.

The legal construction of business ethics as a preventative mechanism in bank credit distribution contributes to closing legal loopholes at the pre-contractual stage, which have previously been difficult to reach through formal accountability mechanisms. By integrating ethics into the decision-making process, control over the use of authority can be implemented earlier and more effectively. This broadens the scope of oversight to areas previously outside the scope of explicit legal regulations. Ultimately, the legal construction of business ethics as a preventative mechanism in pre-contractual credit distribution emphasizes the importance of a more substantive approach to banking governance. Assessment of the use of authority is based not only on compliance with regulations, but also on the quality of the judgment used in the decision-making process. Thus, the integration of ethics into credit governance is a conceptual contribution to preventing abuse of authority in the banking sector.

Based on the analysis of the discussion above, it can be seen that the construction developed in this study indicates that controlling the abuse of authority in bank credit distribution requires a shift from a formal rule-oriented approach to a more substantive and preventive approach. Placing business ethics as part of the normative framework in the decision-making process allows for an expansion of the assessment standards for the use of authority, focusing not only on the results but also on the quality of the underlying process, particularly at the pre-contractual stage which is not yet fully covered by positive law. In this case, legal construction can be formed by integrating ethics into credit analysis, disclosing conflicts of interest, implementing ethical reviews, and strengthening standard operating procedures, making ethics an instrument that directly influences the quality of the use of authority in the credit distribution process. The contribution of this research lies in the development of an ethics-based control model at the pre-contractual stage that expands the conventional approach that tends to be reactive.

6. Conclusion

Abuse of authority in bank credit distribution occurs not only at the contractual stage but also has the potential to occur at the pre-contractual stage, which has not been fully addressed by formal legal mechanisms. The complexity of credit assessments and the scope for bank officials to assess the use of their authority make this stage vulnerable to irregularities that are difficult to identify through formal supervisory approaches. The results of this study offer a legal construct in the form of an ethics-based preventive control model at the pre-contractual stage, operationalized through the integration of ethics into credit analysis, strengthening disclosure of conflicts of interest, implementing ethical reviews, and developing standard operating procedures that incorporate

ethical considerations. Thus, this study provides a conceptual contribution to the development of more comprehensive bank credit distribution governance, particularly in closing the legal gap in control at the pre-contractual stage. This approach is expected to minimize the risk of abuse of authority while strengthening the integrity of the decision-making process and maintaining public trust in the banking sector. Accordingly, this study recommends that the Financial Services Authority (OJK) consider incorporating ethics-based requirements into its supervisory framework for pre-contractual credit processes, including mandatory conflict-of-interest disclosure forms and ethical review checklists as part of the credit approval documentation standards.

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