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Bridging the Accountability Gap Prosecutorial Ethics and Supervision in Indonesia's Criminal Justice SystemBridging the Norm-Enforcement Gap: Evaluating the Effectiveness of Judicial Ethics Enforcement in Indonesia

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Highlights:

- Examines prosecutorial ethics enforcement in Indonesia's justice system
- Identifies accountability gaps in prosecutorial supervision mechanisms
- Reveals institutional fragmentation in prosecutorial oversight practices
- Highlights challenges in maintaining prosecutorial independence and ethics
- Proposes an integrated model for strengthening prosecutorial accountability

Abstract: Prosecutorial ethics and accountability are essential components in maintaining the integrity of the criminal justice system and strengthening public trust in law enforcement institutions. In Indonesia, the prosecutorial system is supported by various legal and institutional mechanisms intended to supervise prosecutorial conduct and ensure ethical compliance. However, concerns regarding abuse of authority, lack of transparency, selective prosecution, and weak supervisory effectiveness continue to emerge, indicating a discrepancy between normative regulations and practical implementation. This study aims to evaluate the effectiveness of prosecutorial ethics supervision in Indonesia by examining institutional accountability mechanisms and identifying the accountability gap within the prosecutorial oversight system. The research employs a normative juridical method using statutory, conceptual, and case-based approaches. Primary legal materials include laws and regulations governing prosecutorial institutions, prosecutorial ethics, and supervisory authority, supported by academic literature and selected cases related to prosecutorial misconduct during 2023–2024. The findings reveal that although Indonesia has established formal supervisory mechanisms and ethical guidelines for prosecutors, enforcement remains limited due to institutional fragmentation, centralized supervisory authority,

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reactive monitoring systems, inconsistent disciplinary practices, and limited transparency in accountability processes. These conditions weaken the effectiveness of prosecutorial supervision and reduce public confidence in the criminal justice system. In response, this study proposes an integrated framework for strengthening prosecutorial accountability through institutional coordination, preventive supervision, transparent disciplinary mechanisms, ethical capacity building, and regulatory reinforcement. The study contributes theoretically by introducing the accountability gap as an analytical framework for evaluating prosecutorial supervision and contributes practically by offering policy-oriented recommendations to strengthen prosecutorial integrity and accountability within Indonesia's criminal justice system.

Keywords: Prosecutorial Ethics; Prosecutorial Accountability; Criminal Justice System; Prosecutorial Supervision; Accountability Gap; Rule of Law; Legal Enforcement; Institutional Oversight; Ethical Governance

1. Introduction

Prosecutorial institutions play a central role in the administration of criminal justice and the enforcement of the rule of law[1]. Prosecutors are entrusted with significant authority in conducting prosecutions, determining legal charges, representing the state in criminal proceedings, and ensuring the fair implementation of justice[2]. Due to their strategic position within the criminal justice system, prosecutors are required not only to possess professional competence but also to uphold high ethical standards and institutional accountability[3]. Ethical conduct among prosecutors is essential for preserving public trust, preventing abuse of authority, and ensuring that criminal law is enforced fairly, independently, and transparently[4].

Globally, prosecutorial ethics and accountability have become increasingly important issues in legal governance and criminal justice reform[5]. In many countries, prosecutorial institutions face criticism related to selective prosecution, political intervention, abuse of discretion, corruption, and lack of transparency in decision-making processes[6]. These concerns have encouraged the development of international standards emphasizing prosecutorial integrity, impartiality, and accountability. International instruments such as the United Nations Guidelines on the Role of Prosecutors underline that prosecutor must perform their duties fairly, consistently, and independently while remaining accountable to legal and ethical standards[7]. Consequently, effective prosecutorial supervision has

[1] M. Adhari, "Strengthening Judicial and Prosecutorial Oversight Institutions in Contemporary Legal Systems," *Journal of Legal Governance* 12, no. 2 (2025): 145–162.
[2] R. Akbar, "Reforming Prosecutorial Ethics in the Digital Era: Challenges and Opportunities," *International Journal of Law and Society* 9, no. 1 (2025): 33–48.
[3] S. Ali and A. Rehman, "Institutional Synergy and Governance Effectiveness in Criminal Justice Systems," *Global Governance Review* 14, no. 3 (2025): 201–218.
[4] G. Appleby, "Transparency and Accountability in Disciplinary Enforcement," *Legal Ethics Review* 29, no. 1 (2025): 55–72.
[5] T. Ardono and S. Hariyanti, "Transparency in Prosecutorial Disciplinary Processes and Public Trust," *Indonesian Journal of Law and Policy* 6, no. 2 (2025): 101–118.
[6] L. R. Barroso and P. Campos Mello, "Prosecutorial Independence and Institutional Accountability in Democratic Governance," *Comparative Constitutional Law Journal* 11, no. 2 (2025): 89–110.
[7] M. Cravens, "Public Disclosure and Institutional Discipline: Implications for Accountability," *Journal of Legal Studies* 52, no. 3 (2023): 412–430.

become an essential element in strengthening democratic governance and maintaining the legitimacy of criminal justice institutions[8].

In Indonesia, prosecutorial ethics and supervision are regulated through various legal instruments governing the authority, responsibilities, and conduct of prosecutors[9]. The prosecutorial institution is formally mandated to uphold justice, enforce legal certainty, and protect public interests within the criminal justice system[10]. In addition, internal supervisory mechanisms and prosecutorial codes of ethics have been established to ensure professional accountability and ethical compliance among prosecutors. Normatively, these regulations indicate that Indonesia has developed a formal framework intended to maintain prosecutorial integrity and institutional discipline[11].

Despite the existence of such regulatory mechanisms, concerns regarding prosecutorial misconduct and weak accountability continue to emerge in practice[12]. Public discussions frequently highlight issues related to abuse of authority, lack of transparency, selective law enforcement, unethical prosecutorial behavior, and limited effectiveness of supervisory institutions[13]. Several cases involving corruption, procedural irregularities, and conflicts of interest within prosecutorial institutions have generated criticism regarding the effectiveness of internal oversight mechanisms and institutional accountability. This situation demonstrates that the existence of ethical regulations and supervisory structures alone does not automatically guarantee effective enforcement and compliance[14].

The persistence of these problems reflects the existence of an accountability gap within Indonesia's prosecutorial supervision system[15]. The accountability gap refers to the discrepancy between formal supervisory regulations and the practical effectiveness of institutional enforcement. In this context, prosecutorial supervision may formally exist as part of legal governance structures, yet remain limited in ensuring transparent, consistent, and effective accountability in practice. This gap is often influenced by institutional fragmentation, centralized supervisory authority, reactive monitoring systems, inconsistent disciplinary practices, and limited public transparency within oversight mechanisms.

Previous studies concerning prosecutorial institutions in Indonesia have generally focused on prosecutorial authority, criminal procedure, institutional independence, and law enforcement effectiveness. While these studies provide important legal perspectives, relatively limited attention has been given to the relationship between prosecutorial ethics, institutional supervision, and accountability effectiveness. Existing scholarship rarely examines prosecutorial oversight through an integrated framework combining normative, institutional, and accountability dimensions simultaneously.

[8] S. Dar, M. Khan, and F. Ali, "Big Data Analytics in Governance: Enhancing Institutional Monitoring Systems," *Journal of Digital Governance* 7, no. 1 (2025): 65–82.
[9] J. Holland and C. Gray, "Prosecutorial Discipline and Accountability Mechanisms," *Law and Policy Quarterly* 22, no. 4 (2000): 389–407.
[10] R. Huchhanavar, "Independence in Disciplinary Systems: A Comparative Analysis," *Journal of Judicial Administration* 31, no. 2 (2022): 120–137.
[11] I. Isjayanto and R. Bakti, "Institutional Fragmentation in Prosecutorial Oversight: Evidence from Indonesia," *Journal of Southeast Asian Law* 10, no. 1 (2025): 88–105.
[12] M. Khan and S. Ahmed, "Harmonization of Prosecutorial Standards and Procedural Fairness," *International Review of Law* 15, no. 2 (2025): 210–228.
[13] V. Kumar and R. Rastogi, "Inter-Agency Coordination in Governance Systems," *Public Administration Quarterly* 49, no. 1 (2025): 73–95.
[14] Y. Liu, H. Zhang, and X. Chen, "Early Warning Systems in Governance: A Predictive Approach," *Governance and Policy Journal* 19, no. 2 (2025): 134–150.
[15] D. Maheswari, "Public Complaints and Prosecutorial Accountability in Indonesia," *Journal of Legal Reform* 11, no. 2 (2025): 98–115.

Consequently, there remains a significant research gap regarding how the accountability gap affects the effectiveness of prosecutorial supervision within Indonesia's criminal justice system.

Based on these considerations, this study aims to evaluate the effectiveness of prosecutorial ethics supervision in Indonesia by examining institutional accountability mechanisms and identifying the structural factors contributing to the accountability gap. The study further analyzes the institutional challenges affecting prosecutorial oversight and proposes an integrated model for strengthening prosecutorial accountability and ethical enforcement. The novelty of this research lies in the use of the accountability gap as a conceptual framework for evaluating prosecutorial supervision and institutional accountability within the Indonesian criminal justice system.

This study is expected to contribute both theoretically and practically. Theoretically, the research contributes to legal scholarship by expanding discussions on prosecutorial ethics and institutional accountability through the accountability gap perspective. Practically, the study offers policy-oriented recommendations for strengthening prosecutorial supervision through institutional integration, preventive oversight mechanisms, transparent disciplinary procedures, ethical capacity development, and regulatory reinforcement. Ultimately, strengthening prosecutorial accountability is essential not only for preserving institutional credibility but also for ensuring public trust, legal certainty, and the sustainability of the rule of law in Indonesia.

2. Methods

This study employs a normative juridical research design to examine the effectiveness of prosecutorial ethics supervision and institutional accountability mechanisms in Indonesia[16]. Normative juridical research is appropriate because the study focuses on analyzing legal norms, supervisory regulations, institutional authority, and ethical enforcement within the prosecutorial system[17]. The research specifically evaluates the relationship between formal accountability mechanisms and their practical implementation in addressing prosecutorial misconduct and maintaining institutional integrity in figure 1.

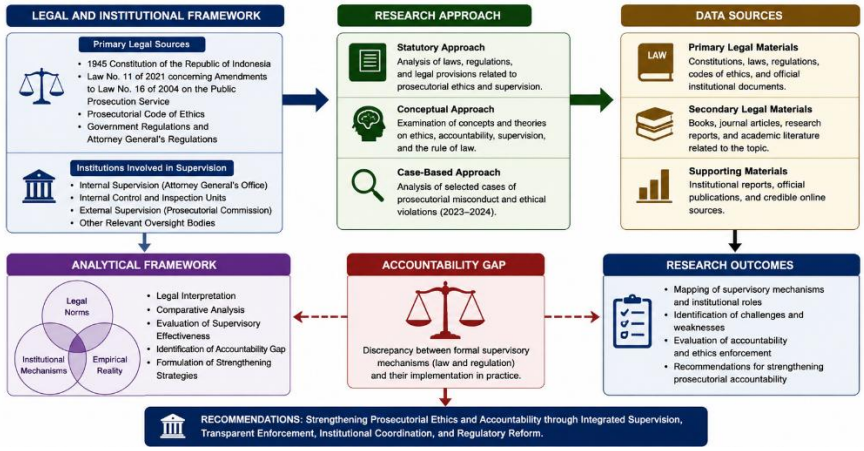


Figure 1. Research Framework.

[16] N. Nazifah, A. Rahman, and M. Siregar, "Organizational Culture and Ethical Compliance in Prosecutorial Institutions," *Journal of Legal Sociology* 9, no. 3 (2025): 201–220.

[17] F. Peirone, "Rule of Law and Institutional Trust: The Role of Prosecutorial Accountability," *European Law Journal* 31, no. 1 (2025): 66–84.

The study applies three complementary approaches, namely the statutory approach, conceptual approach, and case-based approach. The statutory approach is used to analyze legal instruments governing prosecutorial institutions, prosecutorial ethics, and supervisory authority in Indonesia. Primary legal materials include Law No. 11 of 2021 concerning Amendments to Law No. 16 of 2004 on the Public Prosecution Service, prosecutorial codes of ethics, internal supervisory regulations, and other relevant legal provisions related to prosecutorial accountability and disciplinary mechanisms[18]. These legal materials provide the normative foundation for evaluating institutional supervision and ethical enforcement practices.

The conceptual approach is utilized to examine theoretical perspectives related to prosecutorial ethics, institutional accountability, legal governance, supervision systems, and the rule of law. This study adopts the accountability gap as its analytical framework to explain the discrepancy between formal supervisory regulations and their implementation in practice. Through this approach, the research evaluates how institutional structures, supervisory authority, transparency, and organizational culture influence the effectiveness of prosecutorial oversight mechanisms.

In addition, a case-based approach is employed to analyze selected cases of prosecutorial misconduct and ethical violations during the period of 2023–2024[19]. The selected cases involve issues such as abuse of authority, corruption, procedural irregularities, conflicts of interest, and unethical prosecutorial behavior. These cases are analyzed to identify patterns of institutional response, disciplinary enforcement, supervisory limitations, and accountability challenges within the prosecutorial system[20].

This research primarily relies on secondary data obtained from legal documents, academic literature, institutional reports, journal articles, and official publications related to prosecutorial institutions and criminal justice governance[21]. Primary legal materials consist of statutes, prosecutorial regulations, ethical guidelines, and supervisory provisions[22]. Secondary legal materials include scientific journals, books, research reports, and previous studies discussing prosecutorial accountability, institutional oversight, and legal ethics. Supporting materials from official institutional publications and publicly accessible legal sources are also used to strengthen the analysis.

Data are analyzed qualitatively through legal interpretation, comparative analysis, and systematic evaluation of normative and empirical findings. The analytical process involves identifying inconsistencies between formal supervisory mechanisms and practical implementation, examining institutional relationships within prosecutorial oversight systems, and evaluating the effectiveness of disciplinary enforcement practices. Furthermore, the study synthesizes legal, institutional, and empirical findings to formulate an integrated framework for strengthening prosecutorial ethics supervision and institutional accountability in Indonesia.

[18] M. Prado, “Institutional Fragmentation and Governance Inefficiencies,” *World Development Journal* 162 (2024): 106–120.
[19] L. Sapira, A. Wibowo, and D. Santoso, “Sanction Consistency and Deterrence in Institutional Disciplinary Systems,” *Journal of Law Enforcement Studies* 5, no. 1 (2026): 67–85.
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Through this methodological framework, the study aims to provide a comprehensive and critical analysis of prosecutorial supervision while contributing theoretically and practically to the development of prosecutorial accountability and ethical governance within Indonesia's criminal justice system.

3. Results

3.1. Effectiveness of Prosecutorial Ethics Supervision in Indonesia

The findings of this study indicate that the supervision of prosecutorial ethics in Indonesia continues to face substantial challenges despite the existence of formal legal and institutional frameworks regulating prosecutorial conduct. This condition reflects the presence of an accountability gap, characterized by a discrepancy between normative supervisory mechanisms and their practical implementation within the prosecutorial system. Although prosecutorial institutions are formally equipped with ethical guidelines and internal supervisory structures, various forms of prosecutorial misconduct continue to emerge and generate public concern regarding institutional accountability.

Normatively, Indonesia has established legal provisions governing prosecutorial authority, professional conduct, and institutional supervision. Prosecutors are expected to uphold justice, legal certainty, impartiality, and professionalism in carrying out their duties within the criminal justice system. In addition, prosecutorial ethics regulations emphasize integrity, independence, accountability, and responsible exercise of prosecutorial discretion. These normative standards indicate that the Indonesian prosecutorial system formally recognizes the importance of ethical governance and institutional accountability.

However, empirical findings reveal that the effectiveness of prosecutorial supervision remains limited in practice. During the period of 2023–2024, several cases involving prosecutorial misconduct received significant public attention. Allegations related to corruption, abuse of authority, procedural irregularities, selective prosecution, and unethical conduct highlighted weaknesses within existing supervisory mechanisms. These cases demonstrate that the existence of ethical regulations alone is insufficient to guarantee consistent compliance and effective accountability.

The study further finds that prosecutorial supervision in Indonesia predominantly operates through reactive mechanisms. Institutional responses to ethical violations generally occur only after public complaints, media exposure, or external pressure. Preventive supervision systems capable of identifying risks at earlier stages remain relatively underdeveloped. Consequently, oversight institutions tend to focus on disciplinary reactions after violations have occurred rather than implementing proactive mechanisms to prevent misconduct.

Another important finding concerns the concentration of supervisory authority within internal institutional structures. Although internal supervision may strengthen administrative control, excessive centralization can potentially reduce independence and transparency within accountability processes. Public perception often questions the impartiality of internal disciplinary mechanisms, particularly when investigations involve prosecutors occupying strategic institutional positions. This situation contributes to declining public trust in prosecutorial institutions and raises concerns regarding the credibility of internal oversight systems.

The findings also reveal inconsistencies in disciplinary enforcement practices. Similar ethical violations may receive different disciplinary responses depending on institutional circumstances and internal

considerations. Inconsistent sanctioning practices weaken the deterrent effect of supervisory mechanisms and create perceptions of unequal treatment within the prosecutorial system. As a result, disciplinary enforcement may fail to function effectively as an instrument for strengthening institutional integrity.

Furthermore, transparency remains one of the major challenges within prosecutorial supervision. Information concerning disciplinary investigations, supervisory procedures, and sanctioning outcomes is often not fully accessible to the public. Limited transparency weakens external accountability and reduces public confidence in the fairness and effectiveness of prosecutorial oversight mechanisms. In democratic legal systems, transparency is essential not only for institutional legitimacy but also for ensuring public participation and trust in legal governance.

Overall, the findings indicate that the primary challenge within Indonesia's prosecutorial ethics system lies not in the absence of formal regulations, but rather in the limited effectiveness of institutional enforcement and accountability implementation. Therefore, strengthening prosecutorial ethics supervision requires broader reforms involving institutional, procedural, regulatory, and cultural dimensions simultaneously.

3.2. Structural and Institutional Challenges in Prosecutorial Oversight

The persistence of accountability problems within prosecutorial institutions is influenced by several interconnected structural and institutional factors. These factors contribute significantly to the continuation of the accountability gap and limit the effectiveness of supervisory mechanisms in practice.

Centralized Supervisory Authority

One of the principal challenges identified in this study is the concentration of supervisory authority within internal prosecutorial institutions. Internal supervisory systems play a dominant role in monitoring prosecutorial conduct and handling disciplinary processes. While centralized authority may improve administrative coordination, it may also reduce institutional independence and create potential conflicts of interest in disciplinary enforcement.

This concentration of authority may limit objective evaluation and reduce public confidence in the impartiality of supervisory decisions. In several cases, internal oversight mechanisms were perceived as insufficiently transparent or overly protective of institutional interests. Consequently, centralized supervision may weaken the credibility of prosecutorial accountability systems.

Reactive Monitoring Mechanisms

Another significant challenge involves the reactive nature of prosecutorial supervision. Oversight mechanisms frequently rely on public complaints, media exposure, or external pressure before initiating disciplinary action. Preventive supervision strategies capable of detecting ethical risks and institutional vulnerabilities at earlier stages remain limited.

This reactive orientation reduces the effectiveness of accountability systems because institutional responses often occur after misconduct has already damaged public trust. Preventive monitoring, ethics auditing, integrity assessment, and continuous professional supervision remain underdeveloped within prosecutorial institutions.

Institutional Fragmentation

The study also identifies institutional fragmentation as a major obstacle in prosecutorial oversight. Supervisory responsibilities are distributed across multiple institutional bodies with varying authority

and operational mechanisms. Limited coordination among supervisory institutions can create procedural overlap, administrative inefficiencies, and inconsistent enforcement practices.

Fragmented institutional structures may also reduce accountability clarity and hinder effective disciplinary coordination. Differences in institutional priorities and supervisory approaches can further complicate the implementation of integrated accountability mechanisms.

Limited Transparency and Public Accountability

Transparency is a crucial element of effective legal governance and institutional legitimacy. Nevertheless, prosecutorial supervision in Indonesia continues to face limitations in public accessibility and disclosure of disciplinary processes. Information regarding investigations, supervisory findings, and disciplinary outcomes is often restricted, thereby limiting external oversight and public evaluation.

Weak transparency may contribute to perceptions of institutional opacity and selective accountability. In the absence of sufficient public disclosure, disciplinary enforcement may appear inconsistent or politically influenced. Consequently, limited transparency weakens public trust in prosecutorial institutions and undermines the legitimacy of supervisory mechanisms.

3.3. Integrated Model for Strengthening Prosecutorial Accountability

Based on the findings, this study proposes an integrated framework for strengthening prosecutorial ethics supervision and institutional accountability in Indonesia. The proposed model aims to address the structural and institutional weaknesses contributing to the accountability gap.

Regulatory Reinforcement

Regulatory reinforcement is necessary to ensure clearer supervisory standards, stronger disciplinary procedures, and greater legal certainty in prosecutorial accountability. Existing regulations should be periodically evaluated and updated to address contemporary challenges related to prosecutorial discretion, conflicts of interest, and institutional transparency.

Preventive Supervision Mechanisms

The study emphasizes the importance of shifting from reactive supervision toward preventive oversight systems. Preventive supervision may include ethics training programs, integrity audits, digital monitoring systems, risk-based supervision, and early warning mechanisms capable of identifying ethical vulnerabilities before misconduct occurs.

Transparent and Consistent Enforcement

Effective accountability requires transparent disciplinary procedures and consistent sanctioning practices. Disciplinary outcomes should be publicly accessible while still respecting procedural fairness and legal protections. Consistent enforcement can strengthen deterrence and improve institutional credibility.

Improved coordination among prosecutorial oversight institutions is essential to reduce fragmentation and enhance supervisory effectiveness. Institutional integration should involve clear divisions of authority, coordinated investigative procedures, shared accountability systems, and improved communication among oversight bodies.

Long-term accountability reform requires the development of a strong ethical culture within prosecutorial institutions. Ethical values should become integral components of prosecutorial professional identity through continuous ethics education, leadership development, mentoring systems,

and institutional reform. Building an integrity-based institutional culture is essential for ensuring sustainable ethical compliance beyond formal disciplinary enforcement.

In general, the integrated model proposed in this study demonstrates that strengthening prosecutorial accountability requires multidimensional reforms involving legal, institutional, procedural, and cultural transformation simultaneously. Without comprehensive reform, the accountability gap within prosecutorial supervision will likely persist and continue to weaken public trust in Indonesia's criminal justice system.

4. Conclusion

This study concludes that the supervision of prosecutorial ethics in Indonesia continues to face substantial challenges despite the existence of formal legal and institutional frameworks governing prosecutorial conduct and accountability. The findings reveal the existence of a persistent accountability gap, characterized by the discrepancy between normative supervisory regulations and their practical implementation within the prosecutorial system. Although prosecutorial institutions possess ethical guidelines, disciplinary mechanisms, and internal supervisory structures, cases involving abuse of authority, corruption, selective prosecution, and procedural irregularities continue to emerge and undermine public confidence in the criminal justice system.

The study identifies several structural and institutional factors contributing to the limited effectiveness of prosecutorial supervision, including centralized supervisory authority, reactive monitoring mechanisms, institutional fragmentation, limited transparency, inconsistent disciplinary enforcement, and weak internalization of ethical values within prosecutorial institutions. These weaknesses reduce the effectiveness of accountability mechanisms and limit the ability of supervisory institutions to prevent misconduct and maintain institutional integrity. Consequently, prosecutorial ethics supervision often functions more as a formal administrative framework than as an effective instrument for ensuring transparent and accountable law enforcement.

In response to these challenges, this study proposes an integrated framework for strengthening prosecutorial accountability in Indonesia. The proposed framework emphasizes regulatory reinforcement, preventive supervision mechanisms, transparent and consistent disciplinary enforcement, institutional coordination, and the development of an integrity-based ethical culture. These reforms are essential to improving supervisory effectiveness, strengthening public accountability, and enhancing institutional legitimacy within the prosecutorial system.

Theoretically, this research contributes to the development of legal scholarship by introducing the accountability gap as an analytical framework for evaluating prosecutorial supervision and institutional accountability. Practically, the findings provide policy-oriented recommendations for prosecutorial reform and institutional strengthening within Indonesia's criminal justice system. Ultimately, strengthening prosecutorial ethics supervision is crucial not only for preserving institutional credibility but also for ensuring legal certainty, democratic governance, and sustainable public trust in the administration of justice in Indonesia.

Supplementary data

The authors confirm that the supplementary data are available within this article.

Data Availability Statement

No supplementary or additional datasets were generated in this study. The research was conducted using legal documents, statutory regulations, judicial ethics guidelines, institutional reports, and publicly accessible academic literature analyzed within the manuscript.

Declaration of Generative AI and AI-assisted Technologies

During the preparation of this manuscript, the authors used generative AI tools only to improve language clarity, grammar, and readability. The authors take full responsibility for the originality, accuracy, and integrity of the content of this manuscript.

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Authors' contribution

Conceptualization, Rudi Iswahyudi and Chicilya Izmi Rukhana; methodology, Rudi Iswahyudi; validation, Rudi Iswahyudi and Chicilya Izmi Rukhana; formal analysis, Rudi Iswahyudi; investigation, Rudi Iswahyudi; resources, Chicilya Izmi Rukhana; data curation, Rudi Iswahyudi; writing original draft preparation, Rudi Iswahyudi; writing review and editing, Chicilya Izmi Rukhana; visualization, Rudi Iswahyudi; supervision, Chicilya Izmi Rukhana; project administration, Chicilya Izmi Rukhana. All authors have read and agreed to the published version of the manuscript.

Conflicts of interests

The authors declare no conflict of interest regarding the publication of this article.

Ethical statement

This study does not involve human participants, animal experiments, or clinical data. Therefore, ethical approval from an Ethics Committee or Institutional Review Board was not required. The research was conducted using publicly accessible legal documents, statutory regulations, institutional reports, and academic literature.

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