



## The Culture of Nepotism in Bureaucratic Recruitment Through Legal Sociology Analysis

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### ABSTRACT

*The practice of nepotism persists as a social phenomenon that reflects the fundamental tension between the impersonal logic of state law and the structures of family solidarity and patronage networks that remain deeply rooted in Indonesian social culture. This study aims to provide a comprehensive analysis of how a culture of nepotism is formed and maintained within the bureaucratic recruitment process in Indonesia, through the lens of legal sociology. This study employs a qualitative, socio-legal research design, focusing on legal-sociological analysis, to gain a deep understanding of how the culture of nepotism is formed, reproduced, and legitimised in bureaucratic recruitment practices in Indonesia. The findings confirm that the problem of nepotism lies not only in the weak enforcement of rules, but in the mismatch between the design of state institutions and the collectivist cultural structure of society. Consequently, efforts at bureaucratic reform that rely solely on anti-nepotism regulations are likely to fail unless accompanied by a transformation of power relations and a more equitable distribution of social access. Therefore, a shift in perspective is required: from a moralistic approach that merely condemns nepotism towards a structural approach that seeks to understand and redesign bureaucratic institutions so that they can bridge the demands of meritocracy with the social realities of society.*

## **A. Introduction**

Indonesia already has various legal instruments that explicitly prohibit nepotism in government administration. Law No. 28 of 1999 on Clean and Corruption-, Collusion- and Nepotism-Free Governance explicitly includes nepotism as one of the forms of misconduct that must be prevented within the government system (Kamsi et al., 2023). Furthermore, the bureaucratic reforms that have been underway since the early days of the reform era have also promoted the implementation of a merit-based system in the management of the civil service through various regulations, including Law No. 5 of 2014 on the Civil Service, which emphasises the importance of recruitment based on competence, qualifications and performance. These policies were formally designed to ensure that the selection process for civil servants is conducted transparently, objectively, and accountably. Nevertheless, the gap between formally established legal norms and the social practices observed on the ground remains a recurring issue.

This gap indicates that the issue of nepotism cannot be understood solely as a violation of positive law. This phenomenon is also closely linked to social structures, patterns of power relations, and the cultural values that have developed within society. In many cases, kinship ties and social networks are actually viewed as legitimate mechanisms of social legitimation in various decision-making practices, including in the recruitment process (Wang et al., 2025). Within the context of bureaucracy, such practices can develop through patron–client patterns, where individuals with access to administrative power use their position to provide opportunities to those with personal connections or family ties. This situation demonstrates that the existence of formal law has not yet been fully capable of altering social practices that are deeply rooted in organisational culture and the social structure of society.

A sociological approach to law is relevant for explaining these dynamics because this field views law not merely as a prescriptive system of norms, but also as a social phenomenon that interacts with power structures, culture, and everyday practices (Hahn, 2022). From a sociological perspective, the effectiveness of the law is determined not only by the existence of written rules but also by the extent to which these norms are accepted, adhered to, and internalised within social practice. Consequently, an analysis of nepotism in bureaucratic recruitment must consider the relationship between formal legal structures and the social practices that develop within bureaucratic institutions and in society at large (Hassan et al., 2024). This approach enables an understanding of why rules that normatively prohibit nepotism continue to face difficulties in their implementation.

Various previous studies have examined nepotism in public administration and governance in Indonesia (Rahmat et al., 2024; Wijaya et al., 2023). Several studies highlight that nepotistic practices frequently arise in the recruitment of local government staff, the filling of structural posts, and the appointment of contract staff within the government sector (Bhattarai, 2025; Rohman et al., 2025). Research conducted by several public administration academics indicates that local political networks, kinship ties, and proximity to local government elites often influence the selection process for civil servants. In some cases, individuals with personal connections to specific officials gain advantages not available to other candidates, even though the selection process is formally conducted through mechanisms that appear transparent (Fan & Ma, 2024; Nittrouer et al., 2025). These findings demonstrate that nepotism often operates informally and is concealed behind administrative procedures that appear legitimate.

Other studies on bureaucratic reform in Indonesia also confirm that implementing a merit-based system still faces various structural challenges (Syah & Susilo, 2025; Vikalista et al., 2026). Analyses of the implementation of civil service policies indicate that although regulations have established competency-based selection mechanisms, their implementation is often influenced by local political factors and the interests of the bureaucratic elite. Some research even indicates that nepotism can emerge in more covert forms through the

manipulation of selection processes, the setting of specific administrative requirements, or informal intervention during candidate evaluation stages. This phenomenon suggests that meritocracy-oriented bureaucratic reform has not yet fully succeeded in eliminating the influence of social networks and power relations within recruitment processes.

Several sociological studies also highlight that the practice of nepotism in Indonesian society cannot be separated from cultural values that emphasise the importance of family solidarity and kinship networks (Damanik, 2022; Yulianto & Lestari, n.d.). In many social contexts, helping family members or relatives to secure employment is often viewed as a socially legitimate form of moral responsibility (Bote et al., 2024; Karimullah, 2024a). These values can influence the behaviour of individuals occupying strategic positions within the bureaucracy, meaning that decisions are not always based solely on professional considerations, but also on social obligations towards family or specific community networks. This perspective suggests that the practice of nepotism is not merely an abuse of power but also rooted in cultural constructs that shape patterns of social interaction.

Although various studies have examined nepotism from diverse perspectives, most frame it as an administrative issue or as a form of ethical deviation within the bureaucracy (Schilpzand et al., 2025; Turner et al., 2022). The dominant approach often focuses on institutional aspects, such as the effectiveness of bureaucratic reform policies, the implementation of merit systems, or oversight mechanisms regarding staff recruitment processes. Meanwhile, in-depth studies linking nepotistic practices to broader socio-legal dynamics remain relatively limited. Many studies have not comprehensively examined how the interaction between formal legal norms, informal social practices, and power structures within the bureaucracy shapes the patterns of persistent nepotism in the recruitment of civil servants (Lopes & Vieira, 2023; Weißmüller & Zuber, 2023).

Some previous studies have also predominantly employed a normative or policy-analytic approach that focuses on aligning recruitment practices with statutory provisions (Olszowski, 2024; Panagopoulou et al., 2025). Whilst such an approach is indeed important for assessing compliance with the law, it often fails to explain why violations of these norms persist. In many cases, normative analysis assumes that the existence of clear legal rules will automatically result in compliance in practice (Butt & Murharjanti, 2022; Hasan, 2025). In reality, however, the enforcement of the law is often influenced by non-legal factors such as organisational culture, power relations, and the social network structures linking actors within the bureaucracy.

Studies on nepotism also frequently focus on the relationship between this practice and corruption or the abuse of power within government (Kolberg-Shah & Shin, 2024). Whilst this relationship is indeed highly relevant, such an approach tends to view nepotism as part of individual corrupt behaviour. This perspective does not fully explain how nepotism can persist as an institutionalised social practice within bureaucratic structures. In other words, there remains a need to understand nepotism not merely as a legal violation, but also as a social phenomenon that develops through the interaction between formal norms and the living social practices within bureaucratic organisations.

These limitations highlight a knowledge gap that requires a more integrative analytical approach. An analysis that combines the perspectives of legal sociology and bureaucratic studies can provide a more comprehensive understanding of how the law operates within complex social contexts. Through this approach, the practice of nepotism can be analysed as the result of the interaction between legal structures, organisational culture, and power relations that shape the behaviour of bureaucratic actors. This approach makes it possible to explain why policies designed to prevent nepotism often face obstacles in their implementation, and how such practices can persist despite being normatively prohibited by law.

A study of the culture of nepotism in bureaucratic recruitment through legal-sociological analysis, uncovering dynamics that have not been fully explored in previous research. This analysis not only examines the normative aspects of regulations governing the recruitment of civil servants but also investigates how these norms interact with the social practices that have developed within the bureaucracy. Such an approach also opens space to examine the role of social actors in the formation and reproduction of nepotistic practices. From a legal sociology perspective, actors are not merely viewed as subjects subject to legal rules, but also as agents who actively interpret, negotiate, and even modify the norms in force in everyday practice.

Against this background, this study aims to comprehensively analyse how a culture of nepotism is formed and maintained within the bureaucratic recruitment process in Indonesia through the lens of legal sociology. This study seeks to examine the interaction between the legal norms governing the civil service recruitment system and the social practices that have developed within the bureaucratic structure, and to identify the social factors influencing the persistence of nepotistic practices. The significance of this study lies in its contribution to broadening our understanding of the relationship between law and bureaucratic practice in the context of nepotism.

## **B. Method**

This study employs a qualitative, socio-legal research design focused on the sociology of law to gain an in-depth understanding of how a culture of nepotism is formed, reproduced, and legitimised in bureaucratic recruitment practices in Indonesia. On the basis that this phenomenon constitutes a social reality which cannot be adequately explained solely through a normative legal approach, but rather requires an analysis of the interaction between formal legal norms, bureaucratic social practices, and the power relations that underpin them. The focus of the study is directed at the practice of nepotism in the bureaucratic recruitment process, which is operationally understood as a pattern of administrative decision-making that confers advantages upon specific individuals based on kinship ties, personal proximity, or patronage networks that intersect with the bureaucratic power structure, whilst the analytical variables encompass the regulatory structure of civil service recruitment, social practices within the selection process, and patterns of power relations influencing the implementation of the law.

The primary research instruments consist of in-depth interview guidelines, contextual observation sheets, and documentation of policies and regulations relating to civil service recruitment, developed through a process of literature review, conceptual indicator formulation, and academic consultation to ensure alignment with the legal sociology analytical framework, whilst data validity is ensured through source triangulation, methodological triangulation, and member checking to ensure consistency of interpretation between the researcher and informants. Data collection was conducted in stages through a documentary study of regulations and policies relating to bureaucratic recruitment, followed by in-depth interviews with key informants and contextual observations of relevant administrative practices, whilst data analysis was carried out using interactive qualitative analysis techniques, including data reduction, thematic categorisation, and the drawing of interpretative conclusions based on the theoretical framework of the sociology of law, thereby enabling a comprehensive exploration of the dynamics of the relationship between legal norms, social practices, and power structures in the cultural reproduction of nepotism within bureaucratic recruitment in Indonesia.

## **C. Results and Discussion**

### **1. The Normalisation of Nepotism as a Form of Social Rationality in Indonesian Bureaucratic Recruitment**

The existence of the law is determined not only by the normative provisions set out in legislation, but also by the extent to which those norms gain social legitimacy in everyday practice. This concept emphasises that the law is a social product whose application is constantly shaped by the values, power structures and social practices that exist within society. Therefore, when legal norms regarding meritocracy in bureaucratic recruitment come into conflict with social norms that emphasise family solidarity, group loyalty, and moral obligations to kinship networks, the process of implementing the law becomes an arena of negotiation between two different value systems. In such situations, administrative law, which formally rejects nepotism, may lose its normative force when alternative social norms are deemed more relevant or more legitimate in practice.

In a society that still retains collectivist characteristics and strong family-based social relations, the practice of nepotism is often viewed as a moral responsibility to one's immediate social group (Jancsics, 2025). Individuals with access to administrative power often find themselves in a position where they are expected to assist family members or relatives in securing economic opportunities, including employment within the bureaucracy. Such social expectations stem not only from the nuclear family but also from broader social networks encompassing local communities, long-standing friendships, and patronage relationships formed through political and social processes. In such situations, the decision to grant opportunities to individuals with kinship ties is often understood as a reasonable, if not moral, act within the framework of social solidarity.

This situation indicates that the rationality underpinning the practice of nepotism is not always individualistic or opportunistic, as is often assumed in normative analysis. Rather, such actions can be understood as a form of social rationality rooted in collective obligations and group solidarity. Within the framework of social action theory, individual behaviour is determined not only by personal interests but also by the value orientations and norms prevalent within society. In addition to kinship-based cultural factors, the persistence of nepotism within the bureaucracy is also closely linked to the patron-client structures that remain strong across various social and political systems in Indonesia. In patron-client relationships, individuals holding positions of power or specific resources act as patrons who provide protection, economic opportunities, or access to resources to clients in a socially weaker position (Murthi et al., 2025). In return, the client offers loyalty, political support, or specific services to the patron. Such a relationship structure creates a network of social dependency that can reinforce nepotistic practices in various resource distribution processes, including in the bureaucratic recruitment process.

Within the framework of patron-client relationships, bureaucratic recruitment is not merely viewed as an administrative mechanism for securing a professional workforce, but also as an instrument for distributing social opportunities within a specific power network. The relatively stable and economically promising nature of bureaucratic positions makes them a strategic resource that can be utilised to maintain loyalty within the patronage network (Johnson & Dandeker, 2024). By granting access to relatives or individuals within a specific social network, a patron not only helps that individual secure employment but also strengthens their own social and political position within a broader network of relationships. In this context, nepotism is not merely viewed as a deviation but as a mechanism for reproducing power networks, considered rational within a specific social structure.

Legal sociology analysis indicates that the existence of formal legal norms regarding meritocracy often clashes with social practices that possess stronger social legitimacy (Siemoneit, 2023). Regulations governing the civil service recruitment system are designed to ensure that every individual has equal opportunities based on competence and professional qualifications. However, the implementation of these norms frequently encounters obstacles when confronted with social structures that still prioritise personal connections as a key factor in the distribution of opportunities. In such situations, formal law may experience what is

termed in legal sociology as social delegitimation. In this condition, social actors do not fully internalise legal norms because they are perceived as incompatible with the values or interests they uphold.

Social delegitimation of meritocratic norms can occur when society perceives that formal selection systems do not always produce substantive justice. In some contexts, complex bureaucratic procedures and intense competition are actually seen as hindering access for individuals from certain social groups who face limitations in educational or economic resources. In such situations, assistance from relatives or social networks may be viewed as a corrective mechanism against the structural inequalities present in society (Keim-Klärner et al., 2023). This perspective suggests that the practice of nepotism is not always seen as a form of injustice, but rather as an adaptive strategy to overcome limited opportunities within a social system that is not entirely egalitarian.

The practice of nepotism within the bureaucracy often gains legitimacy through rationalisation mechanisms that develop within organisational culture. In some bureaucratic environments, the presence of individuals with kinship ties to specific officials may be viewed as a factor that enhances trust and loyalty within the organisation. Such arguments are frequently used to justify recruitment practices based on personal connections, on the assumption that individuals from the same social network are easier to collaborate with and more trustworthy. Although these arguments are not always supported by strong empirical evidence, their existence demonstrates how nepotism can gain legitimacy through rational narratives that develop within the culture of bureaucratic organisations.

From a public administration law perspective, this situation poses a serious challenge to the effectiveness of meritocratic norms. Public administration law is fundamentally designed to create a professional bureaucratic system free from the intervention of personal interests (Chohan, 2023). However, when these legal norms are not fully aligned with the social values prevalent in society, their implementation often faces covert resistance in day-to-day practice. This resistance does not always manifest as overt legal violations, but frequently occurs through various informal mechanisms that allow nepotistic practices to persist without explicitly breaching administrative procedures.

In many cases, nepotism can occur through the manipulation of selection criteria that indirectly favour certain individuals, the manipulation of evaluation processes, or the use of informal networks to influence administrative decisions (Schilpzand et al., 2025; Theodorsson et al., 2025). Such practices demonstrate that the existence of formal regulations is not always sufficient to prevent nepotism if bureaucratic actors possess broad interpretative discretion in implementing those rules. From a legal sociological perspective, this situation reflects a gap between law as a formal system of norms and law as a social practice enacted by actors in everyday life.

The persistence of nepotism is not solely due to weak law enforcement or a lack of administrative oversight. Whilst these factors do have a certain influence, the existence of nepotism is also linked to social acceptance of such practices. When a practice is considered normal or even expected within a particular social context, efforts to enforce the law against such practices will face more complex challenges. This indicates that regulatory changes or enhanced oversight mechanisms alone are not always sufficient to address nepotism unless accompanied by a broader transformation of social values. Within this framework, the dominant moral assumption that views nepotism entirely as deviant behaviour needs to be examined more critically. Although normatively, such practices do indeed conflict with the principles of meritocracy and administrative justice, social reality shows that public perceptions of nepotism are not uniformly negative. In some contexts, nepotism is actually viewed as a form of social solidarity or a moral obligation towards family.

A sociological approach to law provides a conceptual framework that enables such analysis to be conducted more comprehensively. By situating law within a broader social

system, this approach enables research to examine how legal norms, cultural values, and power structures interact in shape bureaucratic practices. Such analysis not only helps explain why nepotism persists within bureaucratic systems but also provides a deeper understanding of the social conditions that allow such practices to gain legitimacy. Thus, the normalisation of nepotism in bureaucratic recruitment cannot be understood solely as a consequence of the failure of legal institutions to enforce existing rules. This phenomenon also reflects broader social dynamics in which various value systems interact and compete in determining the behaviour of bureaucratic actors. In a society that still possesses a patron-client social structure and strong family solidarity values, the practice of nepotism can acquire a social rationality that makes it difficult to eradicate through formal legal approaches alone.

## **2. The Production of Structural Inequality Through Family Power Networks in the Recruitment of Civil Servants**

The production of structural injustice in the recruitment of civil servants does not always occur through explicit breaches of the law, but rather through the exploitation of institutional loopholes within the existing regulatory system. Regulations that appear neutral and objective in many cases actually provide scope for certain actors to maintain their dominance within the bureaucratic structure. From a legal sociological perspective, this situation can be understood as an interaction between formal legal norms and the social power structures that surround their implementation. Public administration law, designed to ensure meritocracy, does not always operate autonomously but is often influenced by the existing power configurations within society (Oliveira et al., 2024). Consequently, selection mechanisms that are formally open and competitive can be exploited by certain social networks to maintain their positions within the state structure.

The family networks of the bureaucratic elite often possess structural advantages not held by other social groups. These advantages relate not only to access to information regarding recruitment processes, but also to social capital, cultural capital, and economic capital that enable them to prepare their family members to enter the bureaucratic structure. Within the framework of the theory of social reproduction developed by Pierre Bourdieu, the distribution of these various forms of capital plays a crucial role in maintaining a group's dominant position within the social structure. Social capital, in the form of networks of relationships with bureaucratic officials or political actors, can facilitate access to strategic information regarding the selection process.

Cultural capital, in the form of quality education and an understanding of bureaucratic mechanisms, enhances the chances of success in administrative competition. Meanwhile, economic capital enables individuals to access the educational resources and training required to meet the formal requirements of the recruitment process (Karimullah et al., 2025). These advantages create conditions in which members of the bureaucratic elite have a greater chance of succeeding in the civil service selection process compared to individuals from other social groups. Although the selection process is conducted through open, competitive mechanisms, the unequal distribution of capital within society results in significant inequalities of opportunity. In such a situation, a meritocratic system, normatively designed to create justice, can instead function as a mechanism of legitimisation for the reproduction of social inequality. This occurs because an individual's success in bureaucratic competition is often perceived as the result of personal ability alone, without considering the structural conditions that grant certain groups an initial advantage.

Legal sociology analysis demonstrates that regulations concerning the recruitment of civil servants cannot be understood in isolation from the social context in which they are implemented (Bischoff, 2023). Laws that appear neutral in their normative text often operate within a social environment that is far from neutral. Actors holding strategic positions within the bureaucratic structure or within local political networks can exploit these positions to

influence various aspects of the recruitment process. Such influence does not always manifest as direct intervention in selection outcomes (Karimullah, 2024b). Still, it frequently occurs through more subtle mechanisms such as the design of selection procedures, the determination of evaluation criteria, or the management of information regarding recruitment opportunities.

In many cases, the family networks of the bureaucratic elite are also closely intertwined with local political power structures (Bandiera et al., 2025). The relationship between the bureaucracy and political power at the local level often forms a mutually reinforcing patronage network. Political officials with authority over the appointment or promotion of bureaucratic posts can use these positions to strengthen networks of loyalty within the government structure. Conversely, bureaucrats from specific family networks may provide administrative and political support to political elites with whom they have ties. Such reciprocal relationships create a patronage system that reinforces the reproduction of power within a relatively limited social circle.

The link between local political power and bureaucratic family networks is also closely tied to the economic structure of elite families. Many families that have long held strategic positions within the bureaucracy or local politics also control significant economic resources. This economic wealth enables them to build extensive networks of influence within society and maintain their dominant positions across various social institutions. In this context, the bureaucracy is not merely an arena for government administration, but also forms part of the elite families' strategy for the reproduction of power within the state structure.

The reproduction of power through family networks within the bureaucracy also has significant implications for the formation of new social stratification within state institutions. As access to public office becomes increasingly influenced by specific social networks, the bureaucracy may gradually evolve into a closed social sphere for groups outside those networks. Individuals without connections to elite family networks or political patronage face greater barriers to entering the bureaucratic structure, even if they possess adequate competence or qualifications. This situation creates a form of structural injustice that is difficult to overcome through formal selection mechanisms alone.

Social stratification within the bureaucracy can also influence the internal dynamics of government organisations. When the majority of bureaucratic officials originate from relatively homogeneous social networks, decision-making processes within the organisation may be influenced by the interests of specific groups. This has the potential to reduce the bureaucracy's ability to function as a neutral institution serving the broader public interest. Furthermore, social homogeneity within the bureaucracy can also hinder innovation and renewal within the organisation due to the limited diversity of perspectives and social experiences among its officials.

From a legal sociology perspective, this situation indicates that administrative law does not automatically create social justice within bureaucratic practice. The law may provide a normative framework governing recruitment procedures, but its effectiveness depends heavily on the power structures and social relationships surrounding its implementation. When elite family networks exploit loopholes in the regulatory system, the law can lose its transformative power as an instrument of social change.

In this context, formal meritocratic systems often serve as symbolic legitimisation for the reproduction of family power within the state. The existence of selection procedures that appear objective and transparent gives the impression that the recruitment process has taken place fairly. However, behind these procedures, there are often social dynamics that enable certain groups to maintain their dominance within the bureaucratic structure. In such situations, meritocracy does not always function as a mechanism for the truly equitable distribution of opportunities, but rather as a symbolic device that reinforces the legitimacy of the existing system.

This concept of symbolic legitimacy illustrates how legal and administrative systems can serve as means of reproducing power within society. When formal procedures are deemed to have met standards of administrative justice, it becomes more difficult to raise criticism of the outcomes produced by the system. Individuals who fail in the selection process are often regarded as lacking competence, even though such failure may be influenced by structural factors not directly visible within the selection process. In the long term, the reproduction of structural injustice through family networks within the bureaucracy can have far-reaching implications for the quality of state institutions (Menjívar, 2023). When the recruitment of civil servants is not fully based on competence and professionalism, the quality of public services and the effectiveness of government policies may be affected. Furthermore, public perception of the fairness of the bureaucratic system may also decline if the public perceives that access to public office is determined more by social connections than by professional ability.

This phenomenon also poses a serious challenge to efforts at bureaucratic reform, which have long sought to strengthen the principle of meritocracy in the management of the civil service. Reforms focused on regulatory and administrative changes are not always sufficient to address structural injustice if they are not accompanied by changes in the power relations that underpin the bureaucracy. Therefore, an analysis of how structural injustice is produced through family networks in the recruitment of civil servants is crucial for understanding the social dynamics influencing the implementation of the meritocracy system.

Understanding these dynamics opens the way for a more comprehensive approach to bureaucratic reform. Efforts to create a truly fair recruitment system require not only stricter regulations but also oversight mechanisms capable of identifying and limiting the influence of patronage networks within administrative processes. Furthermore, policies are needed to expand access to education and resources for groups of people who have hitherto been excluded from the bureaucratic elite network, so that competition in civil service recruitment can take place on a more equal footing.

### **3. Nepotism as a Form of Social Resistance to Modern Meritocracy in the Indonesian Bureaucracy**

The existence of the law cannot be separated from the social and cultural context in which it operates. The law is not merely a formal system of prescriptive norms, but also a social institution that interacts with the values, practices and power structures within society. Consequently, the implementation of the law is often influenced by social dynamics that do not fully align with the lawmaker's normative objectives. In the context of bureaucratic recruitment in Indonesia, state law that emphasises meritocracy frequently comes up against social values that prioritise family ties, group solidarity, and moral obligations towards relatives as key principles in social life. The tension between these two value systems creates space for the emergence of practices that are formally regarded as deviant yet socially acquire a certain legitimacy.

An approach that views nepotism solely as a form of corruption or abuse of power often overlooks the more complex social dimensions of the phenomenon. In many contexts, nepotism is practised not only out of opportunistic motives or personal interest, but also under social pressures that drive individuals to fulfil moral obligations to their family or kinship networks (Jancsics, 2025; Schilpzand et al., 2025). In collectivist societies, family-based social relations are often viewed as the primary foundation of social structure. Individuals are not merely understood as autonomous actors pursuing personal interests, but also as part of a broader social network that demands solidarity and collective responsibility. In such a context, the decision to grant opportunities to relatives in the bureaucratic recruitment process can be perceived as a rational act within a specific social value framework.

The transformation of modern bureaucracy, which emphasises individual competition, often creates tension with the strong values of collectivism within Indonesian social culture.

The meritocratic system adopted in bureaucratic reform places the individual as the primary unit in the selection process, assessing ability based on academic qualifications, achievements, and professionally measurable competencies. This approach reflects the logic of modern rationality, which prioritises efficiency and professionalism as core values within bureaucratic organisations. However, this logic does not always align with the social values prevalent in a society that still regards family ties as a crucial factor in the distribution of economic and social opportunities.

Nepotism can be interpreted as a form of social resistance to modern bureaucratic transformation that emphasises competitive individualism. This resistance does not always manifest as open rejection of the meritocratic system, but often emerges through informal practices that allow individuals to maintain patterns of opportunity distribution more in line with the social values they uphold. When the bureaucratic system demands that individuals compete individually, whilst social structures demand family solidarity, nepotism can emerge as a compromise mechanism enabling individuals to fulfil both demands simultaneously.

The conflict between merit-based recruitment laws and the practice of nepotism reflects a clash between two distinct social paradigms. On the one hand, state law embodies the logic of modernity, emphasising impersonal rationality, procedural objectivity, and equal opportunity for every individual. On the other hand, social practices that develop within society are often influenced by the values of collective solidarity, moral obligations towards the family, and patronage networks that have long been part of the social structure (Johnson & Dandeker, 2024). When these two paradigms meet within bureaucratic practice, tensions arise that cannot always be resolved solely through a formal legal approach.

Similar phenomena occur not only in Indonesia but also in various countries with a strong collectivist cultural background. Comparative studies of bureaucracy in several Asian, Middle Eastern, and Latin American countries show that nepotism is often linked to social values that place the family as the primary unit within the social structure (de Avila Gomide, 2022; Sidani & Thornberry, 2013). In some East Asian countries, for example, family ties and social networks often play a significant role in the distribution of employment opportunities, even though the bureaucratic system formally adopts the principle of meritocracy (Poocharoen & Brillantes, 2013). In this context, nepotism is not always viewed as an entirely immoral, but rather as part of social practices that reflect the value of family solidarity. However, the form and degree of social legitimacy accorded to nepotism can vary across countries, depending on historical dynamics, political structures, and the level of legal institutionalisation in place.

In countries with strong bureaucratic traditions and stable legal systems, the practice of nepotism tends to face stronger social delegitimisation as it is seen as contrary to the values of professionalism and administrative justice. Conversely, in countries still undergoing institutional transition or with social structures heavily influenced by patronage networks, nepotism often retains relatively strong social legitimacy. In the Indonesian context, the presence of nepotism within the bureaucracy is also closely linked to the economic and social uncertainty still experienced by the majority of the population.

The state bureaucracy is often viewed as a source of relatively stable employment offering long-term economic security. Consequently, access to bureaucratic positions holds strategic value for many families as a means of enhancing social mobility and ensuring economic security (Nurizka et al., 2025; Rembulan et al., 2025). In situations where economic opportunities in other sectors are not always stable, assistance from family members in the bureaucracy can be seen as a form of social solidarity that helps families cope with economic uncertainty. Within this framework, nepotism can be understood as a social strategy to maintain family economic security within a socially uncertain environment. Individuals with access to bureaucratic resources often feel a moral obligation to help their family members secure similar opportunities. This obligation is not always driven solely by personal interest,

but also by social norms that emphasise the importance of family solidarity in facing economic challenges.

The tension between state law and the practice of nepotism also reflects broader dynamics regarding the relationship between legal modernity and local cultural structures. Legal modernity often brings universal values that emphasise rationality, objectivity, and formal equality in the regulation of social life. However, the implementation of these values does not always proceed linearly within societies possessing distinct social and cultural traditions. In many cases, state law must negotiate with local values that have long been part of the fabric of community life.

This negotiation process can result in various forms of social adaptation to state law. One such form of adaptation is the emergence of informal practices that allow communities to uphold certain social values without directly rejecting formal law (Suyahman et al., 2025). In the context of bureaucratic recruitment, nepotism can be understood as a form of such adaptation. Society does not openly reject the meritocratic system established by state law. Yet, it continues to uphold family solidarity through various informal mechanisms that are difficult for the formal legal system to detect.

Such an interpretation is not intended to justify the practice of nepotism as something entirely positive or ideal within a modern bureaucratic system. Rather, this reinterpretation aims to understand the phenomenon in a more complex manner by taking into account the surrounding social and cultural context. By understanding nepotism as a social phenomenon arising from the mismatch between state legal norms and the cultural realities of society, legal sociology analysis can provide a more comprehensive perspective on the challenges faced in implementing a meritocratic system.

A deeper understanding of the social dimensions of nepotism also has significant implications for future bureaucratic reform efforts. Reforms that focus solely on strengthening regulations and oversight mechanisms are often insufficient to address nepotistic practices if they fail to consider the underlying social dynamics. Therefore, efforts to strengthen meritocracy within the bureaucracy must be accompanied by strategies that bridge the tension between the values of legal modernity and local cultural structures. Such an approach enables bureaucratic reform to function not merely as an administrative change, but also as a broader process of social transformation.

#### **D. Conclusion**

The culture of nepotism in bureaucratic recruitment in Indonesia cannot be understood in a reductionist manner as merely a violation of the principle of meritocracy, but rather is a social phenomenon shaped by the complex interplay between formal legal norms, bureaucratic power structures, networks of elite families, and deeply rooted values of collectivism within the culture of society. Through a legal sociology perspective, it is revealed that meritocratic regulations, which appear neutral, often function ambivalently, on the one hand as a normative instrument of the state to build a rational bureaucracy, yet on the other hand as symbolic legitimisation that enables the reproduction of social dominance through family patronage networks and local political power, so that nepotism persists not merely due to weak law enforcement, but also because it acquires social rationality as a strategy for family solidarity, the distribution of opportunities, and an economic protection mechanism amidst structural uncertainty. These findings enrich the study of legal sociology and bureaucracy by emphasising that the conflict between meritocratic law and the practice of nepotism reflects the tension between the state's legal modernity and collectivist local cultural structures, whilst also developing a theoretical understanding of how law can lose its normative power when confronted with stronger forms of social legitimacy.

In practical and policy terms, the results of this study confirm that bureaucratic reform is not sufficient through the strengthening of regulations and administrative oversight alone,

but requires an institutional transformation approach that takes into account the dynamics of social networks, the distribution of social capital, and changes in the organisational culture of the bureaucracy, although this study has limitations in the scope of its analysis, which focuses on socio-legal dimensions legal dimensions without a broader empirical quantitative exploration of power network patterns. Consequently, further research is recommended to develop a multidisciplinary approach through social network analysis, the political economy of bureaucracy, and cross-national comparisons to deepen understanding of the mechanisms of nepotism's reproduction and more effective institutional strategies for strengthening meritocracy without disregarding the complexity of the surrounding social reality.

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