

The Role of HRGA in Preventing Employment Related Criminal Offense

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Abstract

Employment relations in Indonesia are governed not only by civil and administrative norms but also by criminal provisions intended to protect workers' fundamental rights. Violations of labor standards related to wages, working hours, and occupational safety may constitute employment-related criminal offenses under Indonesian labor law. In this context, the role of Human Resources and General Affairs (HRGA) becomes strategically important as a preventive actor within the workplace. HRGA functions as the primary unit responsible for ensuring compliance with labor regulations, implementing internal policies, and reducing the risk of criminal liability arising from employment relations. This article examines the role of HRGA in preventing employment-related criminal offenses from a normative juridical perspective by analyzing statutory regulations, legal doctrines, and labor law enforcement practices. The analysis focuses on HRGA's preventive functions, including regulatory compliance, internal supervision, and the promotion of legal awareness among employers and workers. The study finds that although labor criminal law is positioned as an *ultimum remedium*, effective preventive measures carried out by HRGA are essential to minimize labor law violations and to ensure lawful, fair, and sustainable employment relations within the workplace.

Keywords: Employment Relations, Labor Criminal Law, HRGA (Human Resources and General Affairs), Regulatory Compliance, Prevention of Employment Offenses

Introduction

In contemporary industrial relations, employment relations are no longer viewed solely as private contractual matters between employers and workers. Employment relationships operate within a broader legal framework that combines civil, administrative, and criminal law mechanisms to ensure fairness, protect workers' fundamental rights, and maintain public order. In Indonesia, the state's involvement in regulating employment relations reflects the constitutional commitment to safeguarding the dignity of workers and ensuring humane working conditions (Nurhayati & Ismoyoputro, 2024). Employment standards on wages, working hours, social security, and occupational safety are therefore not merely managerial preferences but legal obligations that must be implemented consistently within the workplace.

Within this framework, violations of labor norms may escalate beyond administrative non-compliance and constitute employment-related criminal offenses. Indonesian labor law recognizes that certain workplace violations can produce serious social harms: workers may lose income needed for basic survival, suffer injuries due to unsafe conditions, or experience exploitation through excessive working hours. These harms justify the use of criminal sanctions as a legal instrument to deter misconduct and reinforce compliance, even though criminal law is traditionally regarded as an *ultimum remedium* a last resort applied when other remedies prove insufficient (Abdurrachman et al., 2021). The existence of labor criminal provisions also demonstrates that protecting workers' rights is a matter of public interest, not merely a private dispute.

Law No. 13 of 2003 on Manpower, as amended by Law No. 11 of 2020 on Job Creation, constitutes the principal legal foundation for employment regulation in Indonesia (Mahy, 2022). The Manpower Law regulates the formation and implementation of employment agreements, wage structures, working time limitations, and occupational safety and health obligations. It also provides criminal sanctions for specific violations, particularly those reflected in the sanction provisions of the Manpower Law. The Job Creation Law, meanwhile, has restructured certain aspects of labor regulation and enforcement, including sanction mechanisms that increasingly prioritize administrative measures. This regulatory shift has created a new compliance landscape for companies: employers must not only understand substantive labor standards but also adapt internal governance systems to prevent violations from escalating into criminal liability.

This compliance challenge is particularly significant in industrial workplaces where operational pressures and production targets may create structural risks of labor law violations. In such environments, employment standards are deeply intertwined with daily management decisions. Wage administration requires accuracy and timeliness; working hour arrangements must comply with statutory limits and overtime rules; and occupational safety measures must be implemented consistently through training, supervision, and protective equipment. When these standards are not managed effectively, the workplace may become a site where violations occur repeatedly and systematically, increasing the likelihood of legal exposure, including criminal consequences. In this setting, the role of Human Resources and General Affairs (HRGA)(Chibi, 2017) becomes strategically central. HRGA is not merely an administrative unit handling recruitment, payroll, or general services. In modern corporate governance, HRGA functions as an institutional gatekeeper that translates legal norms into internal workplace policies and operational procedures(Edelman, 1990). HRGA carries the organizational responsibility to ensure that employment relations are governed by lawful standards, that documentation and compliance mechanisms are properly maintained, and that the company's labor practices do not expose management and the corporation to legal risks. As such, HRGA is positioned at the intersection of legal compliance, risk management, and industrial relations.

The preventive role of HRGA is increasingly important because many employment-related criminal risks arise not from overt intention to violate the law but from negligence, weak internal controls, or ineffective supervision(McElhattan, 2022). In wage matters, for instance, risk may emerge through miscalculation, delayed payment, or unlawful deductions. In working hour management, criminal risk can arise when overtime becomes routine without proper legal limits, consent procedures, or wage compensation. In occupational safety and health, criminal exposure may result from a lack of training, inadequate protective equipment, failure to conduct safety briefings, or weak incident reporting mechanisms. These risks often originate from internal process failures rather than explicit managerial intent, meaning that prevention requires organizational systems rather than reactive dispute settlement.

The HRGA unit plays a crucial role in building and maintaining such preventive systems. HRGA is typically responsible for designing and implementing internal employment policies, standard operating procedures, and compliance documentation. These include employment agreements, wage structures, overtime approval mechanisms, disciplinary policies, grievance and reporting channels, and occupational safety coordination. HRGA may also act as the primary liaison between the company and external regulatory institutions such as labor inspectors and social security administrators. Through these functions, HRGA becomes a first line of defense in preventing labor disputes from escalating and in ensuring that the company maintains legal preparedness if enforcement actions arise.

Furthermore, HRGA's preventive role is not limited to internal policy design but also includes the cultivation of legal awareness and compliance culture within the workplace. In many workplace contexts, labor violations occur because legal standards are poorly understood by supervisors, line managers, or even workers themselves. When front-line managers lack knowledge of labor standards, they may unintentionally impose unlawful working hours or neglect required safety procedures. Similarly, when workers are unaware of their rights and obligations, they may fail to report violations early, allowing harmful practices to continue until they escalate into serious incidents. HRGA therefore has a strategic responsibility to promote legal literacy and compliance training as part of workforce management.

The need to emphasize HRGA's preventive function becomes even more urgent under the Job Creation Law's approach to enforcement(AbdulRaheem, 2023). The growing reliance on administrative sanctions may lead some employers to underestimate the continuing relevance of criminal liability. However, criminal provisions remain applicable for serious violations that directly harm workers' rights and safety. The practical implication is that companies must develop a compliance architecture that is capable of preventing violations at the earliest stage, ensuring that administrative non-compliance does not progress into repeated or aggravated violations that may trigger criminal consequences. HRGA is the organizational unit most capable of institutionalizing this preventive architecture.

This article addresses these issues by examining the role of HRGA in preventing employment-related criminal offenses under Indonesian labor law. Using a normative juridical research approach, this study analyzes statutory provisions, legal doctrines, and enforcement patterns relevant to labor criminal law. The discussion focuses on the intersection between legal

norms and workplace compliance systems, emphasizing HRGA's role in preventive risk control. It explores how HRGA can mitigate criminal liability risks through regulatory compliance mechanisms, internal supervision, documentation governance, and legal awareness programs for both management and workers.

The urgency of this study arises from the interaction among a stringent legal framework, workplace practice risks, and the serious implications of labor law violations in Indonesia. Employment relations in Indonesia are governed not only by civil and administrative norms but also by criminal provisions intended to protect workers' fundamental rights. Violations of standards related to wages, working hours, and occupational safety may constitute employment-related criminal offenses. The existence of labor criminal provisions demonstrates that protecting workers' rights is a matter of public interest, not merely a private dispute. Violations of labor norms can result in serious social harms, such as income loss, injuries due to unsafe conditions, or exploitation through excessive working hours. Although a regulatory shift has occurred (through the Job Creation Law) prioritizing administrative sanctions, criminal provisions remain applicable for serious violations. Companies must adapt to prevent administrative non-compliance from escalating into repeated or aggravated violations that may trigger criminal consequences. HRGA is the organizational unit most capable of institutionalizing this preventive architecture.

To structure the analysis, this article first outlines the legal framework of employment-related criminal offenses under the Manpower Law and the Job Creation Law. It then examines the elements and categories of labor criminal offenses that are most relevant to workplace compliance, particularly those related to wages, working hours, and occupational safety and health. Finally, it evaluates HRGA's preventive role through the lens of compliance governance, corporate liability risk, and the *ultimum remedium* principle in labor criminal enforcement (Chambers & Vastardis, 2020). Through this approach, the article aims to contribute to a deeper understanding of HRGA as a strategic compliance actor in preventing workplace misconduct from developing into criminal legal exposure.

Research Method

This article employs a normative juridical research method to analyze the role of Human Resources and General Affairs (HRGA) in preventing employment-related criminal offenses under Indonesian labor law. Normative juridical research focuses on the study of legal norms as reflected in statutory regulations, legal doctrines, and authoritative scholarly opinions. This method is appropriate because the primary issue examined in this article concerns the interpretation, scope, and preventive application of criminal provisions within labor law, rather than empirical measurement of workplace behavior.

The primary legal materials analyzed in this study consist of binding laws and regulations governing employment relations and criminal liability. These materials include Law No. 13 of 2003 on Manpower, Law No. 11 of 2020 on Job Creation, and related regulations governing labor standards, sanctions, and enforcement mechanisms (Andrees et al., 2015). These statutory instruments provide the normative foundation for identifying employment-related criminal offenses and determining the scope of employer and corporate liability. Through systematic interpretation of these norms, this study examines how criminal risks may arise within workplace practices and how preventive mechanisms can be developed.

Secondary legal materials are used to support and deepen the analysis. These materials include academic textbooks, peer-reviewed journal articles, and reports from international organizations related to labor law enforcement and occupational compliance. Such sources are essential to understanding the doctrinal principles underlying labor criminal law, including the concepts of fault, employer responsibility, corporate criminal liability, and the principle of *ultimum remedium*. By engaging with these materials, the study situates HRGA's preventive role within broader legal and theoretical debates. (Hrga et al., 2020)

The analytical approach applied in this research combines a statutory approach and a conceptual approach. The statutory approach involves examining the structure and substance of criminal provisions contained in Indonesian labor legislation, particularly those regulating wage protection, working hours, and occupational safety and health. This approach allows the study to identify specific legal obligations that, if violated, may give rise to criminal liability. The conceptual approach, meanwhile, focuses on legal theories related to compliance, prevention, and criminal responsibility. Through this approach, HRGA is analyzed not merely as an administrative function but as a legal compliance actor within corporate governance. (Griffith, 2015)

Legal interpretation in this study is conducted through qualitative analysis. Legal norms are interpreted systematically by considering their purpose, legal context, and relationship with other regulatory mechanisms. This interpretive process enables the study to assess the effectiveness of criminal law as a preventive tool and to evaluate the extent to which HRGA can contribute to preventing violations before they escalate into criminal offenses. The analysis emphasizes coherence between legal norms and workplace governance structures.

By adopting a normative juridical method, this research aims to produce a structured and comprehensive analysis of HRGA's preventive role in employment-related criminal law. The method allows the study to bridge the gap between abstract legal norms and practical workplace compliance, highlighting how internal organizational mechanisms can support the objectives of labor criminal law. Through this approach, the article contributes to a deeper understanding of prevention-oriented labor law enforcement in industrial settings.

Research and Discussion

Legal Framework of Employment-Related Criminal Offenses under Indonesian Labor Law

The legal framework governing employment-related criminal offenses in Indonesia is primarily established under Law No. 13 of 2003 on Manpower, which integrates civil, administrative, and criminal enforcement mechanisms within a single regulatory system. The inclusion of criminal provisions reflects the legislator's recognition that certain labor violations produce harms that extend beyond private contractual disputes and directly affect public interests, social justice, and worker protection. Criminal sanctions are therefore designed to reinforce compliance with labor standards that are considered fundamental to humane and lawful employment relations.

Within this framework, employment-related criminal offenses are regulated as special criminal provisions (*lex specialis*) that operate alongside general criminal law. (Aloisi & De Stefano, 2023) The Manpower Law specifically criminalizes employer conduct that violates statutory obligations related to wages, working hours, and occupational safety and health. These provisions emphasize the protective function of labor law by targeting violations that disproportionately affect workers as the weaker party in employment relations. The *lex specialis* character of labor criminal law justifies differentiated enforcement approaches and sanction structures that are tailored to the employment context.

Articles 183 to 189 of the Manpower Law constitute the core criminal sanction regime. These provisions prescribe imprisonment and fines for employers who intentionally or negligently violate labor standards. Wage-related offenses, such as failure to pay minimum wages, are treated as serious criminal violations due to their direct impact on workers' livelihoods. Similarly, violations of working hour limitations and occupational safety obligations are criminalized because they endanger workers' health and physical integrity. The existence of these sanctions underscores the normative position that compliance with labor standards is not optional but legally mandatory.

The enforcement philosophy underlying labor criminal law is closely connected to the principle of *ultimum remedium*. (Yoserwan; Danil Kurnia; Yulfasni, 2019) Criminal sanctions are not intended to be the primary enforcement tool but are applied when administrative and civil measures fail to prevent or correct violations. This principle seeks to balance the need for deterrence with proportionality, ensuring that criminal law is reserved for serious or repeated violations that demonstrate disregard for legal obligations. In practice, this approach places significant emphasis on preventive compliance mechanisms within the workplace.

The Job Creation Law introduced a recalibration of this enforcement framework by prioritizing administrative sanctions in many areas of labor regulation. While criminal provisions remain formally intact, the increased reliance on administrative enforcement has altered the practical risk landscape for employers. This shift does not eliminate criminal liability but raises the threshold at which criminal sanctions are likely to be applied. Consequently, employers must ensure that administrative non-compliance does not escalate into patterns of violation that could trigger criminal enforcement.

For HRGA, this legal framework creates both responsibility and opportunity. HRGA operates within a regulatory environment where criminal liability is contingent upon the failure of preventive and corrective mechanisms (Jayasuriya, 2006). Understanding the structure and scope of labor criminal provisions is therefore essential for HRGA to design effective compliance systems. By ensuring adherence to wage standards, lawful working hour arrangements, and occupational

safety requirements, HRGA can play a decisive role in preventing administrative violations from developing into criminal offenses.

The legal framework also establishes the basis for employer and corporate liability. Criminal responsibility may be imposed not only on individual decision-makers but also on corporate entities when violations are attributable to organizational policies or systemic failures. This approach reflects modern developments in criminal law that recognize corporations as capable of committing crimes through their management structures. In the labor context, this means that failures in HRGA governance—such as inadequate supervision, weak documentation, or ineffective compliance training—may expose both individuals and corporations to criminal risk.

From a preventive perspective, the legal framework of employment-related criminal offenses reinforces the importance of internal compliance architecture. Criminal law functions as a normative boundary that defines unacceptable conduct, while HRGA serves as the internal mechanism that translates legal norms into daily workplace practices. The interaction between these two elements determines whether employment relations remain within the bounds of legality or progress toward criminal exposure.

Overall, the Indonesian labor criminal law framework demonstrates a deliberate balance between protection and proportionality. Criminal sanctions are positioned as a safeguard against serious violations, while prevention is emphasized through administrative oversight and internal governance. Within this framework, HRGA occupies a strategic position as the organizational actor most capable of operationalizing preventive compliance and reducing the risk of employment-related criminal offenses in the workplace.

HRGA Compliance Strategies in Preventing Employment-Related Criminal Offenses Headings.

The preventive role of Human Resources and General Affairs (HRGA) in employment-related criminal law is most clearly reflected through the implementation of internal compliance strategies.(Pratiwi & Haninda, 2022) Compliance in this context refers to the systematic effort to ensure that workplace practices conform to mandatory labor standards and do not expose employers or corporations to criminal liability. In Indonesian labor law, compliance functions as the primary barrier preventing administrative violations from escalating into criminal offenses.

One of the core compliance strategies lies in regulatory translation, namely the ability of HRGA to convert abstract legal norms into concrete internal policies. Labor laws regulate wages, working hours, and occupational safety in normative language that may not be immediately applicable to daily operations. HRGA is responsible for interpreting these norms and embedding them into employment contracts, payroll systems, overtime approval procedures, and safety protocols. When legal norms are not clearly translated into operational rules, violations are more likely to occur due to ambiguity or inconsistent implementation.

Another crucial strategy involves documentation and record governance. In employment-related criminal cases, liability is often assessed not only on the basis of harm but also on whether the employer exercised due diligence. Proper documentation of wage payments, working schedules, overtime approvals, safety training, and incident reporting serves as evidence that the company has taken reasonable preventive measures. HRGA plays a central role in maintaining this documentation and ensuring its accuracy and accessibility. Weak documentation may be interpreted as organizational negligence, increasing criminal exposure even in the absence of malicious intent.

HRGA also contributes to prevention through internal supervision and monitoring mechanisms. Regular audits of payroll compliance, working hour arrangements, and safety procedures allow early detection of deviations from legal standards(Adikwu et al., 2025). These monitoring activities are preventive in nature, enabling corrective action before violations become systemic. In industrial environments, where operational pressure is high, such internal controls are essential to prevent routine practices from drifting into unlawful conduct.

Legal awareness and training constitute another key compliance strategy. Many employment-related violations arise from a lack of understanding rather than deliberate non-compliance. Supervisors may impose excessive working hours, or operational managers may neglect safety procedures, without fully appreciating the legal consequences of their actions. HRGA has a strategic responsibility to provide training and guidance that foster a culture of compliance across all organizational levels. Through continuous education, HRGA helps ensure that legal obligations are internalized as part of everyday managerial decision-making.

In addition, HRGA functions as an intermediary between the company and external regulatory institutions. Interaction with labor inspectors, social security agencies, and other authorities requires procedural knowledge and legal sensitivity. Effective coordination managed by HRGA can prevent misunderstandings, ensure timely compliance with regulatory requirements, and reduce the risk of enforcement escalation. This external-facing role further strengthens HRGA's position as a preventive actor within the labor law enforcement framework.

Overall, HRGA compliance strategies demonstrate that prevention of employment-related criminal offenses is fundamentally organizational rather than reactive (Winn & Govern, 2018). Criminal liability rarely emerges from a single isolated error; it is more often the result of cumulative governance failures. By establishing robust compliance systems, HRGA reduces the likelihood that labor violations will reach the threshold of criminal enforcement. In this way, HRGA not only protects workers' rights but also safeguards employers and corporations from serious legal consequences.

Conclusion

The analysis presented in this article demonstrates that employment-related criminal offenses under Indonesian labor law are not merely the result of intentional misconduct by employers, but often emerge from systemic weaknesses in workplace governance and compliance mechanisms. Labor criminal law, as regulated under Law No. 13 of 2003 on Manpower and its amendments under the Job Creation Law, establishes clear boundaries of lawful conduct in employment relations. These boundaries are intended to protect workers' fundamental rights while maintaining fairness and legal certainty within industrial relations.

Within this legal framework, Human Resources and General Affairs (HRGA) plays a strategically significant role in preventing employment-related criminal offenses. HRGA functions as the primary organizational unit responsible for translating legal norms into internal workplace practices. Through regulatory interpretation, policy formulation, documentation management, and internal supervision, HRGA serves as a preventive mechanism that reduces the likelihood of labor violations escalating into criminal liability. The preventive orientation of HRGA aligns with the principle of *ultimum remedium*, which positions criminal law as a last resort rather than a primary enforcement tool.

The findings of this study indicate that effective prevention of employment-related criminal offenses depends largely on the strength of internal compliance systems. Wage administration, working hour regulation, and occupational safety governance require continuous oversight and structured control. When HRGA fails to establish and maintain such systems, labor violations may become repetitive and systemic, thereby increasing criminal exposure for both individual employers and corporate entities. Conversely, robust HRGA governance demonstrates due diligence and good faith, which are essential factors in mitigating criminal liability risks.

Furthermore, the preventive role of HRGA extends beyond internal administration to encompass legal awareness and compliance culture within the workplace. By promoting understanding of labor standards among management and workers, HRGA contributes to early detection and resolution of potential violations. This educational and supervisory function is particularly important in industrial environments where operational pressures may encourage informal or unlawful practices.

In conclusion, HRGA should be recognized not merely as an administrative support unit but as a central actor in labor law compliance and criminal risk prevention. Strengthening HRGA's role through capacity building, clear compliance mandates, and institutional support is essential to ensuring that employment relations remain within the boundaries of legality (Faruk & Khan, 2022). By doing so, companies can protect workers' rights, maintain sustainable industrial relations, and prevent employment-related criminal offenses from arising in the workplace.

Suggestions

Corporations should strengthen HRGA's role by integrating it into corporate compliance and risk management frameworks. Continuous legal training and institutional support are essential to enhance HRGA's preventive capacity. Future research should examine empirical evidence of HRGA effectiveness across different industrial sectors.

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