



## THE INFLUENCE OF GENDER DIFFERENCES ON REPORTING AND HANDLING VIOLATIONS OF PROFESSIONAL ETHICS AMONG LAWYERS

**Andri Nurwandri<sup>1</sup>, Aisyah Tahara<sup>2\*</sup>, Siti Ni'mah<sup>3</sup>, Walijah Fitriyah Harahap<sup>4</sup>**

<sup>1</sup>Faculty of Shari'ah, Institut Agama Islam Daar Al-Uluum Asahan, Email: [andrinurwandri@iaidu-asahan.ac.id](mailto:andrinurwandri@iaidu-asahan.ac.id)

<sup>2</sup>Faculty of Shari'ah, Institut Agama Islam Daar Al-Uluum Asahan, Email : [aisyah tahara728@gmail.com](mailto:aisyah tahara728@gmail.com)

<sup>3</sup>Faculty of Shari'ah, Institut Agama Islam Daar Al-Uluum Asahan, Email : [Snikmah087@gmail.com](mailto:Snikmah087@gmail.com)

<sup>4</sup>Faculty of Shari'ah, Institut Agama Islam Daar Al-Uluum Asahan, Email: [harahapwalijahfitriyah@gmail.com](mailto:harahapwalijahfitriyah@gmail.com)

\*email Koresponden: [aisyah tahara728@gmail.com](mailto:aisyah tahara728@gmail.com)

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### Abstract

This research aims to analyze the influence of gender differences on reporting and handling professional ethics violations among lawyers. Gender differences are believed to influence how individuals interact with the rules and norms in the legal profession, including when it comes to reporting ethical violations. This research examines how male and female lawyers respond to ethical violations that occur in their environment as well as the factors that influence their decisions to report or address these violations. The research results show significant differences in the way male and female lawyers handle violations of professional ethics. Factors such as perception of authority, influence of organizational culture, and professional experience also influence their behavior. This research also found that female lawyers tend to be more sensitive to issues of ethical violations and report cases that occur more often than male lawyers. These findings provide new insights regarding gender dynamics in the legal profession and the importance of creating a more inclusive environment in dealing with violations of professional ethics.

**Keywords :** Gender , offense , influence, lawyer

### 1. INTRODUCTION

Professional ethics is an important aspect in every profession. Lawyers also create ethical rules and codes of conduct. Lawyers have an important role to play. Every professional must not only provide ideal client representation assistance but must also go through their steps with integrity and honesty. Therefore, every code of ethics is important. to understand how reporting and handling violations of professional ethics are carried out and what factors influence this process, one of which is gender.

In this context, gender refers to the differences in social roles, expectations, and norms associated with a person's gender in society. In many professions, including law, gender can influence many aspects, from decision making to problem solving. The phenomenon of gender differences in reporting violations of professional ethics is not only limited to individuals, but is also influenced by workplace culture, social structures and norms that apply to the



profession. For example, in some professional cultures, female lawyers may feel less valued or are more likely to avoid conflict, which may influence how they report violations of professional conduct. In contrast, male lawyers, who dominate many legal communities, may be more confident or even perceived as authoritative when addressing ethical issues.

## 2. RESEARCH METHOD

This research uses a qualitative approach with a descriptive-analytic approach which aims to provide an in-depth understanding of reporting and handling violations of professional ethics and the influence of gender differences among lawyers. The type of research used is library research.

The main sources in this research come from related literature from scientific journals, books, and relevant articles as well as documents that discuss the influence of gender differences on reporting and handling professional ethics violations among lawyers.

Library research is used as a researcher's step in determining a research topic, conducting a study of theories related to the topic being researched by collecting material to be researched and analyzed further to obtain research results.

## 3. RESULTS AND DISCUSSION

Violations of professional ethics in the legal profession, especially lawyers, are a topic that is often debated in relation to law enforcement and the integrity of the legal profession itself. It is worth asking whether there are gender-based differences in how lawyers report violations of professional ethics.

To better understand this issue, it is important to consider the various factors that can influence how ethical violations are reported, from the perspective of both the reporter, the attorney, and the legal system itself.

### The Importance of Lawyer Professional Ethics.

Lawyers have a very important role in the justice system because they are responsible for defending clients in criminal, civil and other legal matters. Lawyers are a profession that is directly involved in the field of justice, so they not only have in-depth legal knowledge but must also adhere to high professional ethics. Professional ethics for advocates is not only a moral guideline, but also a basis for advocates to carry out their duties fairly and professionally and uphold human rights.

In this context, the ethics of the advocate profession play an important role in building a legal system that is transparent, fair and trustworthy. Lawyers play a very important role in the legal system. Their job is not only to provide legal advice and defend clients in court, but also to follow the code of ethics of professional associations such as the Indonesian Bar Association (IKAI) and the Indonesian Bar Association (PERADI). A lawyer's professional ethics include the obligation to maintain confidentiality, act with integrity, and refrain from actions that could harm clients, other parties, or other people.

According to Bertens, Odi Shaputra and Ahmad Yubaidi are experts in Bintan that a professional code of ethics provides direction for the behavior of its members while maintaining the moral integrity of the profession in the eyes of society and is accepted by a group. Sidhartha, on the other hand, stated that a code of ethics is a set of moral principles that are systematically associated with a profession. This means that these moral principles already exist in the profession itself, even though there is no formal code of ethics.



Legal ethics also helps legal professionals improve the quality of their skills in carrying out legal work. In this case, professional ethics in the legal field can help legal professionals to understand and appreciate the moral values contained in the law, as well as improve the quality of their skills in carrying out tasks related to the law.

This Code of Ethics is intended to uphold the professionalism and integrity of the legal profession. However, in some cases, this may violate the Code of Ethics. These ethical violations can be reported by various parties, including clients, fellow lawyers, and even the public.

#### Gender in the Legal Profession.

Important gender issues in the legal profession influence how individuals view gender roles, opportunities, and challenges. In principle, the law must be applied equally, but in practice there are often disparities, especially towards women. This inequality is visible in many aspects, including workplace structure, recruitment processes, and recruitment for important positions in legal institutions.

Gender is an important issue in the world of work, including the legal profession. The influence of gender on reporting violations of professional ethics by lawyers is not always visible directly, but may be influenced by various social and cultural factors related to gender roles. Lawyers often face various challenges in their profession.

Gender is a social concept that influences social interactions, including in the legal profession. The legal industry often has a male image, and lawyers are expected to be proactive, intelligent, and decisive. These traits are often associated with male characters, and women often do not fit this description. This can affect the treatment of women in the legal profession, including when reporting ethical violations.

Legal aspects of gender equality, female and male lawyers have the same opportunity to practice as lawyers. Lawyers must ensure that their clients are not discriminated against on the basis of gender. Lawyers must understand family law in its context. Understand divorce, inheritance, and custody.

According to Rutherford, there is inequality in the treatment of male and female lawyers in the legal profession. Research has shown that female lawyers are often perceived as more emotional and less able to withstand pressure than their male colleagues, which may influence their perceptions when reporting ethical violations.

#### Analysis of Differences in Reporting of Ethics Violations Based on Gender.

It is important to understand the context of reporting ethical violations in the legal profession. As a general rule, all attorneys are required to report ethical violations by colleagues. However, in reality, this report can be influenced by various factors, including gender. Women lawyers may face social and cultural barriers that may make it difficult for them to report violations, especially when the violations involve gender discrimination. Male lawyers tend to feel more comfortable reporting misconduct because they do not face same-sex bias.

According to Myers, women in the legal profession tend to face major obstacles when reporting ethical violations for fear of negative impacts on their reputation. Women often worry that their reports will be seen as emotional or non-objective. In contrast, male lawyers may not face similar obstacles. There is no doubt that in a society where male assertiveness tends to be more acceptable, reports from male lawyers will be more acceptable. Male lawyers often occupy positions of power where it is easier to submit ethics reports without much consideration of gender.

#### Differences in Reporting Processes.



In the legal profession, the process for reporting ethical violations is usually through a formal mechanism overseen by a professional body or bar association. However, despite these clear steps, the difference in treatment between male and female lawyers in this process is very clear. McGlynn said women attorneys often face additional challenges, such as getting their claims approved. They may be perceived as more emotional or less objective, which can affect the way their reports are received and investigated. In contrast, male lawyers are less likely to receive similar recognition, and their reports may be taken more seriously without questioning the motives behind them. Men often enjoy greater social support in the legal profession and are less likely to be harmed and more likely to report ethical violations.

#### Social and Career Impact.

The social consequences of reporting ethical violations vary widely among lawyers. For women, especially those in lower positions in law firm hierarchies, reporting ethical violations risks damaging relationships with colleagues and, in some cases, potentially losing career opportunities. Meyers emphasized that female attorneys tend to have more experience dealing with backlash and harassment for reporting ethical violations, thereby exacerbating existing disparities in the legal profession. In contrast, male attorneys, especially those with experience or high standing within law firms, may not face the same risks. Smith and Ladd say in some cases, male lawyers who report ethics violations actually gain greater recognition for their commitment to justice and ethics, which improves their professional image in the legal community.

#### Influence on the Work Environment and Society.

Reporting gender-related ethical violations, while posing risks, can lead to big changes in the long term. Reports like these can encourage companies to change their policies and procedures to make work environments more inclusive. Additionally, this can pave the way for additional education and training on gender equality for employees, which will help build an even better culture in the future.

Every report of ethical violations related to sex is included in a large movement to oppose injustice in general society. The more whistleblowers who dare to speak out, the greater the demand for change; this can encourage governments and institutions to create better policies to address gender discrimination.

To improve gender equality in reporting and handling violations of professional ethics among lawyers, several steps that can be taken include a more inclusive policy approach, gender-sensitive training, and the implementation of transparent and fair procedures.

#### 1. Strengthening Gender Sensitive Internal Policies

Strengthening gender-sensitive internal policies in legal professional organizations is very important to create an environment that is inclusive, fair and free from discrimination. This policy must ensure that every individual, regardless of gender, can work and pursue a career safely, and is treated equally. In the context of reporting and handling violations of professional ethics, sexual orientation sensitive policies include recognition of problems such as sexual harassment, discrimination based on sexual orientation, and unfair treatment that can affect members of the profession, especially women or other sexual orientation groups. Following are some steps:

##### a. The Importance of Internal Policies that Uphold Gender Equality

Professional lawyer organizations need to have clear and firm policies regarding reporting ethical violations that take into account gender perspectives. The policy must accommodate the rights of women and gender minority groups to access reporting channels that are safe and free from intimidation. This also includes protection for victims so they can



report violations without fear of reprisal, as well as guarantees that each report will be processed fairly and objectively. The policy should also emphasize the importance of recognizing violations that are not always readily apparent, such as hidden discrimination in decisions made by colleagues or superiors.

#### b. Inclusive and Unbiased Reporting Procedures

Gender-sensitive policies should include reporting procedures that make it easier for lawyers who are victims of ethical violations to report without encountering obstacles. Lawyers' professional organizations must ensure that these procedures are safe, transparent and accessible to anyone, regardless of position. In addition, the reporting system must allow for protection for victims from any form of retaliation or discrimination after reporting violations. This policy must also stipulate that no party may influence or intervene in the reporting process for personal or certain group interests.

#### c. Policy Socialization and Counseling to Professional Members

In order for gender-sensitive internal policies to be accepted and implemented effectively, socialization of policies to all members of the profession is very important. Every member of the legal profession needs to be given an understanding of the importance of gender equality, as well as their rights in reporting ethical violations. This outreach can also be carried out through seminars, workshops or training materials that discuss gender-related issues in the legal profession, such as sexual harassment or discrimination in the workplace.

#### d. Periodic Policy Evaluation and Review

Gender-sensitive internal policies should be evaluated periodically to ensure their effectiveness in addressing gender-based ethical violations. This evaluation process aims to identify gaps or weaknesses in policies that may allow discrimination or injustice to occur. This review may also involve input from victims or parties involved in the reporting, to ensure that the policy can properly accommodate their needs.

#### e. Commitment to Oversight and Enforcement

Gender-sensitive policies must be equipped with monitoring mechanisms that ensure that the policies are truly implemented fairly. This oversight includes regular checks on reporting of ethical violations, as well as enforcement of identified violations. Strict legal enforcement of gender-based ethical violations will increase professional members' confidence in the existing reporting system.

### 2. Gender Awareness and Training

Ongoing training on gender equality should be part of legal professional education. This training aims to educate lawyers about the importance of respecting gender diversity, as well as recognizing and addressing discrimination and ethical violations. This also includes education on how to process reports of ethical violations in a way that is sensitive to the experiences of women or other groups.

Gender training and awareness in the legal profession is essential to creating an environment that is fair, inclusive and free from gender-based discrimination. In the context of lawyers, this training aims to increase understanding of gender equality, identify gender biases that may be unconscious, and train members of the profession to respond professionally and sensitively to ethical violations related to issues. This training also supports the formation of a legal culture that prioritizes social justice and equality for all parties, regardless of gender.

The training aims to overcome stereotypes, prejudices and biases that often arise in the legal professional environment, which can indirectly exacerbate disparities in decision making. In legal practice, low awareness can exacerbate problems of discrimination and sexual harassment that are often ignored or considered trivial. Through training, lawyers can become





more aware of the need to treat all parties equally, both in the legal process and in daily interactions with colleagues, clients and other parties.

### 3. Strict Supervision and Law Enforcement

Stricter oversight and fair enforcement of ethical violations, including those related to gender issues, must be part of a broader system to ensure that discriminatory actions do not go unnoticed. Law enforcement must consider factors such as gender bias in the process of handling reports.

Strict supervision is needed to ensure that policies related to gender equality and handling ethical violations are implemented properly. Without sufficient oversight, existing policies may simply become documents that do not function effectively. This supervision can be carried out by legal professional supervisory institutions, such as bar associations or other legal professional institutions, as well as by independent third parties, such as human rights institutions or non-governmental organizations that focus on gender equality. Effective oversight includes monitoring the implementation of procedures for reporting ethical violations, as well as checking whether there is retaliation against victims of reporting or whether the policy is only applied to a small number of members of the profession. Apart from that, supervision can also help prevent injustice in handling ethical violations related to gender issues.

Legal profession supervisory institutions, such as the Indonesian Advocates Association (PERADI) or other bar associations, have a major responsibility in ensuring that lawyers who are members of their organizations comply with the professional code of ethics. One important aspect of supervision is monitoring the handling of cases involving gender-based ethical violations, such as sexual harassment or discrimination against female lawyers. This institution must have a transparent mechanism for responding to complaints regarding ethical violations, as well as providing appropriate sanctions to members of the profession who violate them. Apart from that, they must also ensure that this process is carried out in a way that pays attention to the protection of victims.

Strict law enforcement refers to the application of clear and appropriate sanctions for lawyers involved in ethical violations, especially those related to discrimination. Strict law enforcement not only requires sanctions, but also ensures that any ethical violations are handled seriously and there is no impunity. In this case, law enforcement also includes protecting the reporter (victim) and ensuring that they will not experience retaliation or intimidation as a result of the report submitted.

Implementing effective sanctions in the event of gender-based ethical violations is an important step in upholding gender equality in the legal profession. Sanctions not only function as punishment for the perpetrator, but also as a warning to others not to commit the same violation. The types of sanctions can vary, from warnings, retraining, to revocation of practice permits, depending on the level of the violation committed.

### 4. Establish a Protection Mechanism for Victims

A clear and safe protection mechanism for victims of violations of professional ethics, especially those related to gender discrimination, needs to be provided by bar associations or legal professional institutions. This system must be able to provide protection for victims from retaliation or intimidation.

### 5. Increasing the role of women in professional organizations

One way to ensure gender equality in reporting and handling ethical violations is to increase the participation of women in leadership positions in professional lawyer organizations. The presence of women in leadership structures can help ensure that gender



perspectives are taken into account in the policy-making process and the implementation of professional ethics enforcement.

#### 6. Encourage third party involvement in the reporting process

Integrating independent third parties, such as monitoring agencies, can assist in addressing inequities that may arise during the process of reporting and resolving ethical violations, especially those involving cases of gender discrimination.

By implementing policies and procedures that are inclusive and sensitive to gender issues, the legal profession in Indonesia can be more fair, inclusive and equitable in dealing with ethical violations. This will strengthen the credibility and integrity of the legal profession as a whole.

### 4. CONCLUSION

This research finds that gender influences the reporting and handling of professional ethics violations among lawyers. Violations of professional ethics in the legal field are an issue that is often discussed in the context of law enforcement and the integrity of the legal profession itself. One thing that is worth noting is the difference in how professional ethics are violated among lawyers based on gender. The importance of professional ethics for lawyers includes the obligation to maintain confidentiality, act with integrity, and not engage in practices that harm clients or other parties.

This code of ethics is designed to maintain the professionalism and credibility of the legal profession. This ethical violation can be reported by various parties, whether by clients, fellow lawyers, or by the public. Gender is an important issue in the world of law, and violations of lawyers' professional ethics may not always be immediately apparent.

Gender is a social construct that influences social interactions, including in the legal profession. Women and men lawyers often face different challenges in the legal profession. This ethical violation can be influenced by a number of factors, including gender.

Women in the legal profession are more likely to face greater barriers in reporting ethical violations for fear of negative impacts on their reputation. Women often worry that their reports will be seen as emotional or not objective. Male lawyers may not face similar obstacles, reports from lawyers may be accepted without review, male lawyers may be viewed more seriously without understanding motivations.

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