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**THE EFFECT OF MORAL REASONING AND LEGAL ATTITUDE
ON PROFESSIONAL ETHICS**

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Abstract

The purpose of this research was to investigate the moral reasoning and legal attitude on professional ethics among beginner lawyers. Some local governments are asking the lawyers departments to enforce the law more aggressively. However, there is little research or policy guidance available to assist police in balancing local law enforcement with the norms of community-oriented law. The sample of this study comprises 70 among beginner lawyers as members of Indonesian Advocates Association (PERADI) in Jakarta. Reliability is accessed using Cronbach's Alpha. Multiple Linear Regression was used for hypotheses testing. This paper presents results from a national survey of lawyers as members of Indonesian Advocates Association. The finding indicates that moral reasoning and legal attitude significant effect on professional ethics. The highly varied nature of law practice on this issue is a function of the lack of clear policy guidance and models for national enforcement of the law. Thus, the professional ethics can develop of ethical culture in Indonesia, within the context of a PERADI in Indonesia.

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Keywords: Moral reasoning, legal attitude, professional ethics.



1. Introduction

Lawyers are people who practice giving legal services. Both inside and outside the court. The definition states that the lawyer is also a member of the Indonesian Advocates Association (PERADI) must submit to his code of ethics. Bribery case involving a lawyer contrary to the code of conduct. In chapter 2 and article 3 b. The lawyer's attitude in settling his case of bribes, it shows that he is impartial with justice. Therefore, this research is meant to investigate the effects of moral reasoning and legal attitude on Professional ethics.

1.1. Professional Ethics

Professional ethics refers to their morality sense, to guide the behaviour daily lives and following the professional rules of the Code Standards or referring to laws and regulations (Knapp et al., 2013). Professional ethics can be defined as "the holistic formation of an ethical professional identity connecting technical professional skills with a profession's highest purposes" (Muller, 2014, p. 393). Thus, it can be defined that the professional ethics of lawyer as a value system that relies on to the code of ethics in their activity. A code of ethics is rules of conduct that govern and guides a lawyer, it consists the moral standards for ethical values and responsibilities (Han, Park and Jeong, 2013). In addition, code of ethics is obligatory by lawyers to fulfil its role, it can create a values system of anti-norms that are presume improper (Huang, 2015).

1.2. Moral reasoning

Positive law deals with the perception of mind and morality. For example, insane persons can be free if they break the law, because it is considered lack of mental capacity, it can be said that the right given depends on their thinking. "Empirically, a recent large-scale survey investigated specific links between mind perception and morality" (Gray, Young, and Waytz, 2012). Hence, it is necessary theoretical and empirical measurement of the effectively moral reasoning used to assess psychological constructs to determining one's actions in certain situations morally right and other actions are wrong (Mayhew, 2015). Graham et al., (2011) stated that a measure of moral reasoning are moral identity, empathy, and moral deficits. Research by Cohn et al., (2014, p. 304) has shown that the straight predictor is a lower moral reasoning, it indicates in a year later rule-violating behaviour involves adolescents with lower moral reasoning.

1.3. Legal Attitude

Sykes & Matza (1957) argues that in measuring the legal attitude by seeing a person accept the norms and values that hold in the public (Cohn, et al., 2010, p. 298). Cohen et al., (2014) viewed moral character as "an individual's characteristic patterns of thought, emotion, and behaviour associated with moral/ethical and immoral/unethical behaviour". Thus, it can be concluded that a person's moral character will be related to his legal attitude to the system, it means that if the unethical attitudes will get a greater law enforcement (Cohn, et al., 2010, p. 298). In line with previous researchers have been examining the attitude as an intermediary of reasoning and rule-violating behaviour (Cohn et al., 2014).

1.4. Development of hypotheses

The independent variable of this research is moral reasoning and legal attitudes on professional ethics. Thus, our theoretical model incorporates moral reasoning and legal attitude to professional ethics. Most research on professional's ethics are descriptive and focus on law researchers (Huang, 2015). Researchers are very certain about the possibility to define and measure the professional ethics as particular individuals maintain impartiality, integrity, professionalism and competence (Popovski, 2016). The several studies for professionals' ethics that related moral behavior as the 'key determinant factor' in ethical or unethical behavior. "A difference in professional ethics between in-house and agency practitioners model" (Han et al., 2013, p. 557) is to evaluate the effect of ethical and unethical behavior, individual factors, it is positively related to professional ethics. Ekici and Onsel (2013) also suggest that Bayesian Causal Maps (BCM) model, where the judicial independence influenced by the legal and political environments, have an effect on the ethical behavior of firms. Thus, "formal ethics training in social contexts have impact on work related moral reasoning (Doyle et al., 2013)." Therefore, the researchers concluded that moral reasoning and legal attitude predicted professional ethics. Thus, based on that, the following hypotheses are:

H1: Moral reasoning are positively effect to professional ethics.

H2: Legal attitude are positively affect to professional ethics

2. Problem Statement

The challenge for law scholar is to be understanding the professional ethics associated with moral reasoning and legal attitudes toward novice lawyers in legal activity. In the empirical research literature, it is needed to describe the ethical values that differentiate ethics and unethical lawyer in handling legal cases. Empirical research that helps uncover the effect of moral reasoning and legal attitude on professional ethics obviously important for the law literature, law schools, and lawyer firm charged with developing ethical values-centered lawyer.

3. Research Questions

Given the above discussion, there may be the effect moral reasoning and legal attitude on professional ethics. In this case, the following research questions:

- a. What is the effect of moral reasoning on professional ethics?
- b. What is the effect of legal attitude on professional ethics?

4. Purpose of the Study

The purpose of the study is to explore the moral reasoning and legal attitude as important independent variable to professional ethics, which in turn impacts ethics the beginner lawyer and value of ethics. The main purpose of this study was to explore the hypothesized relationship among moral reasoning and legal attitude with professional ethics, with operationally purpose of this research are;

1. To investigate moral reasoning on professional ethic among beginner lawyers.
2. To investigate legal attitude on professional ethic among beginner lawyers.

5. Research Methods

5.1. Sample and Design

A predictive, “purposive sampling as a nonrandom sample in which the researcher uses a wide range of methods to locate all possible cases of a highly specific a difficult-to-reach population (Neuman & Lawrence, 2014, p. 273)” was used to explore the relationships between moral reasoning, legal attitude and professional ethics. This study is an analysis of primary data from a cross-sectional study on beginner lawyers as members in the Indonesian Advocates Association (PERADI), Indonesia. In this study, a request to Indonesian Advocates Association (PERADI) created a list of lawyers who have worked <3 years as a lawyer. To test hypothesized model, we obtained the data from the second phase of study. A total of 70 beginner lawyers was surveyed for data collection and were returned 70 surveys. It means the survey can be used for a response rate of 100%. Research respondents are mainly male (77%) and female (23%) with bachelor’s degrees (99%). The respondents in this study averaged 25 years old, with lawyers’ experience for 1.5 years. Most (n = 64) worked fulltime (64%), with 16 (16%) respondents working in part-time.

5.2. Data collection

This research is an analysis of the beginner lawyers’ data from members in Indonesian Advocates Association (PERADI) conducted in April 2016. Respondent was mailed a questionnaire survey, it consists the demographic questions, a measure of moral reasoning, legal attitude and professional ethics, and also it contained additional measures. Respondent in the study was beginner lawyer was provided. “Surveys as researcher, utilize questionnaires or interviews to learn people’s beliefs or opinions in many research situation” (Neuman & Lawrence, 2014, p.48). The distribution method for mail surveys was completed every three weeks. The first week, it’s contained full survey package and a reminder letter in one month later. The third week, it’s contained a follow-up letter and replacement survey package. Consent, confidentiality, list of participants only can be accessed by researchers, with providing a code in each questionnaire. By return the completed questionnaire, it is considered that the respondent agreed and understood.

5.3. Measures

Self-report measurement where all had acceptable internal consistency (Table 1) were used to measure research variables. Moral reasoning used to measure from Myyrya et al., (2010) consist five items Likert scale ranging from 1 (no importance) to 5 (very importance). The moral reasoning scale has a reliability coefficient was 0.793. The legal attitude used to measure from Han, et al. (2012), consist five items Likert scale ranging from 1 (none) to 5 (a lot). The legal attitude scale has a reliability coefficient was 0.882. The professional ethics measure using a five items Likert scale ranging from 1 (never true) to 5 (always true) with 3 (sometimes) as a mid-point. The scale was adapted from Sekerka et al., (2009) professional moral Scale is a 5-item scale used to measure level of professional ethics. The professional ethics scale has a reliability coefficient was 0.820.

6. Findings

6.1. Results

▪ Respondents Profile

In relation to the sample profile of 70 respondents, there were 48 (68,57%) male and 22 (31,43%) female. As for nationality of the respondents, there were 95.5% from Indonesia, and 4.5% from other country. Majority of the respondents were advocates. Table 1 presents means and standard deviations of variables. The results of moral reasoning (mean = 18.17, SD = 4.21), legal attitude (mean = 19.41, SD = 3.81) and professional ethics was 20.30 (SD = 3.49) on a five-point scale.

▪ Preliminary correlational analysis

The highly related to professional ethics is the moral reasoning ($r = 0.399$, $P < 0.01$), then legal attitude ($r = 0.288^*$, $P < 0.05$). Furthermore, the relationship between moral reasoning and legal attitudes is significantly related ($r = 0.369$, $P < 0.01$).

Table 01. Reliabilities, Means, Standard Deviations and Correlations for Moral Reasoning, Legal Attitude and Professional Ethic

Variable	α	Mean	SD	1	2	3
Moral Reasoning	.793	18.1714	4.21513	1		
Legal Attitude	.882	19.4143	3.81641	0.369**	1	
Professional Ethic	.820	20.3000	3.49057	0.399**	0.288*	1

▪ Multiple Regressions Analysis

Hierarchical multiple regression results (Table 3), to support hypothetical model. Based on theoretical considerations, the first block is entered by moral reasoning, and counted for 24% of the variance ($F = 22.781$, $R^2 = 0.251$, $P < 0.001$). Second block is entered by legal attitude and counted for 23.2% of the variance ($F = 21.896$, $R^2 = 0.244$, $P < 0.001$). The last model counted for 36.7% of the variance in the professional ethics. Moral reasoning and legal attitude were significant independent predictors of professional ethics ($\beta = 0.393$, and $\beta = 0.382$).

Table 02. Hierarchical multiple regression analysis

	R^2	ΔR^2	β	P
Model 1				
Moral Reasoning	0.251	0.240	0.501	0.000
Model 2				
Legal Attitude	0.244	0.232	0.494	0.000
Model 3				
Moral Reasoning	0.386	0.367	0.393	0.000
Legal Attitude			0.382	0.000

6.2. Discussion

The research results suggest that moral reasoning and legal attitude contribute to professional ethics, and its support the hypothesized model. Moral reasoning is an influential predictor of professional ethics,

featuring the significance of Indonesian Advocates Association (PERADI), i.e., learn and develop the information access, data support, and resources. Furthermore, significant independent predictors of professional ethics are staffing adequacy and organizational resources, over access to legal attitude condition.

Firstly, I hypothesized that moral reasoning would affect professional ethics. This assumption was supported by the previous research, it argues that the moral reasoning was positively affected to professional ethics (Han et al., 2013; Doyle et al., 2013). This result can be interpreted that beginner lawyer more committed than senior lawyers, it possible law firms factors to affecting beginner lawyers more than just senior lawyers. However, standard of professional ethics beginner lawyers is lower than senior lawyers. It means that beginner lawyers need to be fostered about motivation and commitment to adhere ethical standards set by the Indonesian Advocates Association (PERADI). For example, workshops, and seminars on ethical professionals for beginner lawyers.

Secondly, I presumed that legal attitude would affect professional ethics (Cohn et al., 2014; Han et al., 2013). The strong effect of moral reasoning and professional ethics is consistent with previous findings in the advocate's organization (Huang, 2015; Doyle et al., 2013) and highlights the importance of legal attitude lawyer to professional ethics with their jobs. From the results, individual lawyer, and law firm were 'determinants key' on professional ethics for beginner lawyers. Senior lawyers have adhered to the professional ethics code for public and client's interest rather than beginner lawyer. It means that senior lawyers are more committed to their profession than their law firms. In addition, beginner lawyers are more committed to their law firm than to their profession. This is what shows beginner lawyers have the low professional commitment, they consider as an employee, not a lawyer.

The significant relationship between moral reasoning and legal attitude to professional ethics to point out the positive states enhancing Indonesian Advocates Association (PERADI).

From a practical practitioner's point of view, the moral reasoning and legal attitude can be the basis for ethical professional. The evidence of moral reasoning was a code of conduct and rules have been accepted by the lawyer community. Every lawyer should be able to adjust itself related to the client's perspective, which is part of an agreed shared system, such as a lawyer organization. The legal attitude typical is preserving norms outline thinking to stimulate a high commitment to lawyer norms and duties. Whereas in moral reasoning, incompatibility with moral criteria outside the law itself, clients' protection may lead to restrictions on human rights.

7. Conclusion

This research to explore the effects of moral reasoning and legal attitude on professional ethics in beginner lawyer perception can be concluded as a below;

- a. There is positively effect of moral reasoning on professional ethics. This research result shows that moral reasoning was significantly to professional ethics, it means to indicate ethical behaviour to the public and the client's interest.
- b. There is positively effect of legal attitude on professional ethics. This research result shows that legal attitude was significantly to professional ethics. It means that a legal attitude with an idealist value proves more ethical behaviour to the public interest.

- c. The limitation of this study is that the sample does not fully describe lawyers in Indonesia. Moreover, the sample only Indonesian lawyers, generalizations of results with other countries may be different.

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