

## **ASPECTS OF ISLAMIC CRIMINAL LAW IN REALIZING A CORRUPTION-FREE INDONESIA**

Taroman Pasyah<sup>1</sup>, Nashriana<sup>2</sup>, Rd. Muhammad Ikhsan<sup>3</sup>, Taslim<sup>4</sup>

### **Abstract**

As an extraordinary crime, and which can damage the state system, and can endanger the survival and life of the community. Corruption is a complex phenomenon that has a number of causative factors, as reported by the KPK website there are two factors that cause corruption crimes, namely, internal and external factors. Internal factors are factors that come from oneself. While external factors are factors that come from outside oneself. The rampant criminal act of corruption, with the weak laws and regulations, so that it becomes an entrance for corrupt perpetrators to launch their actions by committing corruption crimes in the country. Even though many efforts have been made by the state, corruption is still increasing both in terms of the quantity of cases and even the quality of corruption crimes that occur tend to be more systematic, more widespread in almost all aspects of people's lives. Departing from the rampant crime of corruption, it is time for the government and law enforcement officials to examine other sources and legal systems in the current national legal system. This research is a normative research that examines the system and sources of law in Islamic law, as a step to realize a corruption-free Indonesia, using the principles of Islamic criminal law. There are many references that can be used as a reference in efforts to enforce Islamic criminal law in this country, including the prohibition of accepting bribes (*riswah*), the example of leaders, and the law that is commensurate and mutually supportive and reminding the leaders of the state and the community.

**Keywords:** *Legal Aspects, Islamic Criminal Law, Bribery, Corruption*

### **INTRODUCTION**

When discussing criminal acts in any country today, it is inseparable from what sanctions and punishments are appropriate for the perpetrators of these criminal crimes. So, with the sanctions and punishments given, it can have a deterrent effect for the perpetrators, of course with the hope that similar actions will not be repeated in other places and other perpetrators as well. Such a statement is the same when discussing corruption crimes that are growing day by day and with various motives carried out by the perpetrators to commit these acts. So, it is not uncommon to demand that law enforcers must be extra to find the right punishment solution for the perpetrators of corruption crimes. This is done by law enforcers as a form to realize fair law enforcement<sup>5</sup>. This is what is happening in Indonesia. Corruption is the biggest problem faced by the Indonesian nation, because it harms the people and disrupts economic stability<sup>6</sup>.

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<sup>1</sup> Faculty of Law, Sriwijaya University, Email: [taromanpasyah@fh.unsri.ac.id](mailto:taromanpasyah@fh.unsri.ac.id)

<sup>2</sup> Faculty of Law, Sriwijaya University, Email: [nashriana@fh.unsri.ac.id](mailto:nashriana@fh.unsri.ac.id)

<sup>3</sup> Faculty of Law, Sriwijaya University, Email: [ikhsanoemar@yahoo.com](mailto:ikhsanoemar@yahoo.com)

<sup>4</sup> Faculty of Law, Sriwijaya University, Email: [taslim@fh.unsri.ac.id](mailto:taslim@fh.unsri.ac.id)

<sup>5</sup> M Dani Fariz Amrullah D, Yuli Kasmaran, Dora Mustika, *Analysis of the Formal Law Against Perpetrators of Corruption Crimes Based on Articles 2 and 3 of Law Number 20 of 2001*, Ta'zir: Journal of Criminal Law Volume 8 Number 1, June 2024, 57-68

<sup>6</sup> Diyah Febriyana., Nagita Octaviani., Hasia Anggraeni., Riska Andi Fitriyono, *The Implementation of Pancasila Against Corruption Cases That Occurred in Indonesia*, Gema Keadilan Journal 9th Edition. III (2022): 1-12

Corruption is a legal object that in the Indonesian context is categorized as one of the special offenses outside the Criminal Code which is currently regulated in Law No. 20 of 2001, concerning Amendments to Law No. 31 of 1999, concerning the Eradication of Corruption Crimes. Corruption is one of the criminal acts that are committed by many individuals, who not only come from the government and policy makers, executive officials, legislative, but also by individuals in whose hands a decision is determined, namely the judiciary and the private<sup>7</sup> sector.

Corruption according to *Transparency International* is the behavior of public officials, both politicians or civil servants who unnaturally and illegally enrich themselves or those close to them, by abusing the public power entrusted to them. In other words, the crime of corruption is an act that justifies all means to enrich oneself and those closest to him. Corruption has been rampant in the country so far which has not only harmed the state's finances or the country's economy, but has also been a violation of the social and economic rights of the community, hindering the growth and continuity of national development to realize a just and prosperous society. Corruption can no longer be classified as an ordinary crime, but has become an *extra ordinary crime*. In fact, the conventional methods that have been used have proven to be no longer able to accommodate and solve the problem of corruption in society<sup>8</sup>. Corruption is actually not a new problem in the country, because it has existed since the 1950s, where various circles assessed a system and integrated with the implementation met with failure.

Corruption is a complex phenomenon that has a number of causative factors, as reported by the KPK website there are two factors that cause corruption crimes, namely, internal and external factors. Internal factors are factors that come from oneself. While external factors are factors that come from outside oneself. However, it is undeniable that some internal factors can cause external factors to occur. For external factors, there are several aspects that trigger corruption crimes, namely, political aspects, economic aspects, and legal aspects. For the legal aspect, it is usually related to the weak laws and laws that are the cause of rampant corruption cases. The substance of the law is not good, it is easy to find in discriminatory and unjust rules; the formulation is unclear, so there is a multi-interpretation; contradictions and overlaps with other regulations both with equal and higher ones, and sanctions that are not in accordance with the acts violated. These things are used by individuals to commit corruption crimes. Individuals who use legal weaknesses as a loophole for them to commit corruption crimes are not uneducated people, but educated people who are not accompanied by good morals<sup>9</sup>.

The rampant criminal act of corruption, with the weak laws and regulations, so that it becomes an entrance for corrupt perpetrators to launch their actions by committing corruption crimes in the country. Even though many efforts have been made by the state, corruption is still increasing both in terms of the quantity of cases that occur and the quality of corruption crimes committed by perpetrators tend to be more systematic, more widespread, and more damaging to every line of life of the Indonesian people<sup>10</sup>. So, it is important for the government and law enforcement officials in this country to review the existing legal system. Perhaps, it is time to examine the sources and other legal systems that exist in the national legal system. For

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<sup>7</sup> Taroman Pasyah and Jemmi Angga Saputra, *Special Criminal Law Understanding Delicacies Outside the Criminal Code*, (Jakarta: Kencana, 2024), 41

<sup>8</sup> Muhammad Asyharuddin., Nur Arfiani, Lita Herlina. *The Development of Corruption Culture in the Community Through the Habit of Salam Tempel*. Journal de Jure Volume 12, Number 2, 2022, 1-20

<sup>9</sup> Nathanael Kenneth, *The Rise of Corruption Cases in Indonesia Year to Year*, JLEB: Journal of law Education and business Volume 2 Number 1, 2024, 335-340

<sup>10</sup> Arini Indika Arifin, *The Crime of Corruption According to the Perspective of Islamic Criminal Law*, Lex et Societatis Volume III, Number 1, 2015, 72-82

example, by examining the system and sources of law in Islamic law, as a step to eradicate the rampant criminal acts of corruption in this country, by using the principles of Islamic criminal law.

However, what needs to be considered in discussing and studying Islamic criminal law, which is the point of view of his study, is that considering Islamic criminal law as a legal science, and it is not absolutely necessary to study it in terms of *paradigm* alone. So, when the study boils down to legal science, it will be easily accepted by all circles of society, which *incidentally* are not all Muslims. Therefore, based on the introduction above, the author is interested in conducting research by studying how aspects of Islamic criminal law in realizing a corruption-free Indonesia.

## **METHODS**

This research uses a qualitative research method with a library *research* model. This research emphasizes the search for meaning by conducting an in-depth analysis of existing materials. According to Moleong as quoted by Abdul Fattah Nasution, qualitative research is research that intends to understand the phenomenon of what the research subject experiences such as behavior, perception, motivation, action, etc. holistically, and by way of description in the form of words and language, in a special natural context and by utilizing various natural<sup>11</sup> methods. As is common in qualitative research, materials are taken from various written sources, such as books, journal articles, research reports, essays, and so on. In this article, the sources used are books or articles related to legal science, especially articles related to Islamic law, and Islamic criminal law. The existing data is then analyzed in a descriptive manner which aims to make a systematic and factual picture of the data, so that a new view and understanding can be found.

## **RESULT AND DISCUSSION**

### **The Terms of Islamic Criminal Law, the Terms of Corruption in a General Perspective, and Islamic Criminal Law**

#### **a. Islamic criminal law terms**

In Islamic criminal law, there are two terms that are related to the meaning of criminal law, namely: **first**, *fiqh jinayah* Islamic criminal law is a translation of the word *fiqh jinayah* (Islamic criminal law), which is all legal provisions regarding criminal acts or criminal acts committed by *mukallaf* (people who have been burdened with obligations), as a result of understanding the legal postulates detailed from the Qur'an and *hadith*<sup>12</sup>. Islamic criminal law is the *sharia* of Allah SWT which contains benefits in human life in this world and the hereafter. *Sharia* materially contains a fundamental obligation for every human being to carry it out<sup>13</sup>.

Islamic criminal law (*fiqh jinayah*) consists of two words, "*fiqh*" and "*jinayah*". *Fiqh* is usually defined as *al-'ilm bi al-ahkam al-syar'iiyyah alamaliyah al-muktasabah min adillatiha al-tafshiliyyah* (knowledge about the law of *shari'i* law (Islamic law) related to acts or actions that are not creed obtained from specific postulates).<sup>14</sup>

According to *fiqh*, it comes from the word "*faqaha*" which means "to understand" and "to understand". Then in *shari'i* terms, *fiqh* is defined as a science that explains the laws of *shari'i amali* (practical) whose determination is sought through a deep understanding of their detailed postulates.

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<sup>11</sup> Abdul Fattah Nasution, *Qualitative Research Methods*, (Bandung: Harfa Creative, 2023), 34

<sup>12</sup> Zainuddin Ali, *Islamic Criminal Law*, (Jakarta: Sinar Grafika, 2012), 1

<sup>13</sup> Zainuddin Ali, *Islamic Law*, (Jakarta: Sinar Grafika, 2008), 102

<sup>14</sup> A. Qodry Azizy, *National Law (Eclecticism of Islamic Law & General Law)*, (Jakarta: Teraju (PT Mizan Publika, 2004), 30

The definition is shorter as expressed by Abu Ishaq Al Shirazi as cited by A. Oodri Azizy, namely: knowing (finding) the shari'i law in the way of *ijtihad* (*ma'rifat al-ahkam al-syari'iyah al-lati thariquha al-ijtihad*).<sup>15</sup> By analyzing the definition of *fiqh* above, it can be understood that *fiqh* is a science of sharia laws that is practical and is the result of a *mujtahid*'s analysis of detailed postulates, both those contained in the Qur'an and the Hadith. While *jinayah* comes from Arabic, which consists of the word *jana-yajni-jinayatan* which means (act of sin). There are several definitions by experts, as quoted by M Nurul Irfan<sup>16</sup>, related to *jinayah*, including the following:

- 1) According to Al Sayyid Sabiq; *jinayah* in terminology is, every forbidden act, the forbidden act is every act that is threatened and prohibited by sharia' or Allah SWT and the Prophet PBUH because in it there are aspects of harm that threaten religion, life, intellect, honor and property.
- 2) According to Abdul Qadir Audah; *Fiqh jinayah* in terminology is, the name of an action that is prohibited by sharia, whether it is an action on the soul, property or other things
- 3) According to Wahbah Al Zuhaili; *Jinayah* in terminology is, there are two meanings, there are general and specific meanings. In general, it is the name of an action that is prohibited according to sharia, whether it is an action on the soul, property or other things. Whereas, in particular, it is an absolute crime in the form of a violation aimed at life on the human body, namely in the form of murder, injury and beating.

Thus, it can be explained that *jinayah* is a form of act in the form of a violation or against the law of sharia, both in the form of violence that can hurt and actions that are not justified according to sharia by taking someone else's property or controlling other people's property in the wrong way.

**Second**, *jarimah* according to the term *jarimah* comes from the word "jarama" which means, trying and working. The definition of business here is understood, especially for businesses that are not good or businesses that are hated by humans. Meanwhile, according to the term, as expressed by mawardi as quoted by Ahmad Mawardi Muslich, as follows: *Jarimah* are acts that are prohibited by sharia' which are threatened by the law of *had* or *ta'zir*.

Prohibited acts sometimes mean doing prohibited acts and sometimes abandoning the ordered acts. Meanwhile, the term *shari'* in this definition contains the meaning that a new act is considered *jarimah* if the act is prohibited by the sharia and threatened with punishment. Thus, if the act is not prohibited in the *Shari'a*, then the act is *mubah*. Then the word *limit* in the above definition has two meanings, general and specific. In general, the *limit* covers all punishments that have been determined by *syara'*, both in relation to the rights of the Allah SWT and rights related to humans individually. Thus, the *limit* is a punishment that has been determined by sharia" and is the right of Allah SWT. While *ta'zir* is a law determined by the sharia" which for its determination and implementation is left to the government (*ulil amri*).<sup>17</sup>

## **b. Corruption term**

### **a). Corruption in the perspective of general law**

Corruption is one of the criminal acts that are often committed by corruptors, whose perpetrators are not only carried out by the government and policy makers, executive officials,

<sup>15</sup> *Ibid.*,

<sup>16</sup> M Nurul Irfan, *Islamic Criminal Law*, (Jakarta: Amzah, 2016), 5-7

<sup>17</sup> Ahmad Wardi Muslich, *Introduction and Principles of Islamic Criminal Law*, (Jakarta: Sinar Grafika, 2004), 10

and legislature but also by individuals in whose hands there are decisions<sup>18</sup>. Corruption is generally defined as a fraudulent act that harms the state's finances. Misappropriation or embezzlement of state money for personal and other interests<sup>19</sup>. Then, etymologically, the word corruption comes from the Latin word "*corruptio*" which is an adjective of the word "*corrumpere*" which means to destroy. Then the term developed to various countries, *corruption* and *corrupt* (English), *corruption* (French), *corruptie* (Dutch), from this Dutch language was adopted to become corruption in the Indonesian language<sup>20</sup>.

The literal meaning of corruption can be explained. *First*, Evil, depravity, bribery, immorality, depravity, and dishonesty. *Second*, rotten acts such as embezzlement, receiving bribes, and so on. *Third*, Corrupt is (rotten, likes to accept bribes/bribes, uses power for personal interests). Corruption is (Rotten acts such as embezzlement of money, receiving bribes, and so on). Meanwhile, Corruptors are (corrupt people).<sup>21</sup>

In the corruption law, it is presented as follows:

1. Law Number 3 of 1971 concerning the Eradication of Corruption

Article 1 paragraph 1, it is emphasized that:

- a. Whoever unlawfully commits an act of enriching himself or others, or an entity that directly or indirectly harms the state's finances and the state's economy, or it is known or reasonably suspected by him that such acts are detrimental to the state's finances or the state's economy;
  - b. Whoever, with the aim of benefiting himself or another person or an entity, abuses the authority, opportunity or means available to him because of his position or position, which directly or indirectly can harm the state finances or the economy of the country.
2. Law Number 31 of 1999 jo Law Number 20 of 2001 concerning the Eradication of Corruption. Every person who is categorized as unlawful, commits acts of self-enrichment, benefits himself or others or a corporation, abuses his authority or opportunity or means because of his position or position that can harm the state finances or the country's economy.

b). Corruption in the perspective of Islamic law

From the perspective of Islamic criminal law, there are at least eight types of jarimah that are similar to the term corruption, although specifically in classical Islamic studies they do not discuss them, including: **first**, *al-ghulul* (embezzlement); **second**, *al-riswah* (bribery); **third**, *al-ghashb* (forcibly taking the property of others); **fourth**, *khiyanah al-maksu* (illegal levies); **fifth**, *al-ikhtilas* (pickpocket); **sixth**, *al-intihab* (extortion); **Seventh**, *al-Sariqah* (theft); and **eighth**, *al-Hirabah* (robbery).

*Al-ghulul* (embezzlement), *al-sariqah* (theft), and *al-hirabah* (robbery), are explained in the Qur'an, while the rest are explained in the hadith of the Prophet.

Related to *Al-ghulul* (embezzlement), there are several incidents that occur, including; There was a slave named Mid'am or Kirkirah who darkened his coat. Mid'am was a slave who was given to the Prophet PBUH. He then sent him to bring some spoils of war. When he arrived at *Al-Qura Ward*, suddenly his neck was hit by an arrow and died on the spot. The companions prayed for the slave. But the Prophet PBUH said, "no, he will not enter heaven". The

<sup>18</sup> Rodliyah and Salim, *Special Criminal Law*, (Depok: Raja Grafindo Persada, 2017), 23

<sup>19</sup> Artha Febriansyah and R.M. Ikhsan, *The Role of Ad Hoc Judges for Corruption Crimes in Law Enforcement Against Perpetrators of Corruption Crimes in Palembang*, Palembang: Faculty of Law, Sriwijaya University (Proceedings), 2017, 42

<sup>20</sup> Aziz Syamsuddin, *Special Crimes*, (Jakarta: Sinar Grafika, 2014), 137

<sup>21</sup> Ruben Achmad and Henny Yuningsih, *The Application of the Teaching of Participation in the Eradication of Corruption in the Criminal Justice System*, Palembang: Faculty of Law, Sriwijaya University (Proceedings), 2016, 184

companions were surprised, then he said. *Not for the sake of Allah, for the sake of the Substance in whose hands my soul is in His hands, indeed the mantle he took at the time of the conquest of Khaibar from the spoils of war that has not yet been divided will ignite the fire of hell that will burn it". When the people heard the statement of the Prophet PBUH, a man came to him with a hundred or two threads of shoelaces. He continued, "even a hundred shoelaces will be the fire of hell"* (HR. Abu Dawud).

In another incident related to *al-ghulul* (embezzlement), there was a person who embezzled jewelry worth two dirhams. This incident is as explained in the following hadith of the Prophet PBUH. *There was a companion of the Prophet PBUH who died during the conquest of Khaibar. This was discussed by them until the Prophet PBUH heard it, he said, "pray for your brother". At that moment the faces of the people changed (because of astonishment at this command of the Prophet). He continued, "Surely your brother has embezzled the spoils of war in the way of Allah". At that time we immediately checked his luggage and later we found a Jewish kharazan (jewelry) that cost less than two dirhams.* (HR. Abu Dawud).

The command of the Prophet PBUH to pray for your brother means that he is not willing to pray the body of a criminal by embezzling other people's belongings. Then in the next incident, it was related to the gift for the zakat collector in the Banu Sulaim, who was named Abu Lutbiyyah. He was sent by the Prophet PBUH to collect zakat in the district of Bani Sulaim. After performing his duties, he faced the Prophet PBUH, after which he presented the zakat property while saying. *"This is your zakat treasure (Prophet or state) and this one is a gift (given to me). Then the Prophet PBUH said, "If you are right, then if you sit in your father's house or in your mother's house, will the gift still come to you?" Then the Prophet PBUH made a speech saying tahmid and praising Allah, then said, "I appointed someone among you to do a task that is part of what Allah has entrusted to me. Then when he came to me, the man said, 'This is your zakat (Prophet or state) and this is a gift (given to me). If he is right, if he had just sat at his mother's father's house, would the gift also come to him? By Allah, if a person takes the gift without right, then on the Day of Resurrection he will meet Allah with a gift (that he took). Then I will know one of you when he meets Allah, he carries on his shoulders a camel (which he used to corrupt) squealing, or an ox howling, or a goat hissing.* (HR. Al-Bukhari and Muslim).

Regarding *al-riswah* (bribery), in this case Abdullah Muhsin Ath-Thariqi argued as quoted by Nur Iqbal Mahfudh<sup>22</sup>, that the legal sanctions for the perpetrators of *al-riswah* acts are indeed not clearly mentioned by the sharia (Qur'an and Hadith), considering that the sanctions for the crime of *al-riswah* are included in the category of jarimah ta'zir sanctions whose competence is in the hands of the judge.

From some of the terms above, when understood it is actually not only *al ghulul* (embezzlement), there is also *al-sariqah* (theft) and there is also *al-hirabah* (robbery), a term that is very close to the crime of corruption. However, from some of the incidents above, no power of the perpetrator was found over the property he corrupted, while the thief had no relationship with the power of the thief over the property he stole, as well as *al-hirabah* (robbery).

Thus, the perpetrators of corruption cannot be subjected to the punishment of hudud jarimah, as imposed on the perpetrators of *Al-sariqah* (theft) and *Al-hirabah*. So, the punishment for perpetrators of corruption crimes that occur in Indonesia is currently included in the category of jarimah ta'zir. Although the crime of corruption is only punishable by ta'zir,

<sup>22</sup> Nur Iqbal Mahfudh, *Islamic Criminal Law on Corruption*, (Journal of Religion and Human Rights 6, No. 2 2017), 249-265



it is because of its danger and negative influence, which can be greater than theft and robbery. So, the form of ta'zir punishment is in the form of dismissal, life imprisonment or very burdensome for the perpetrator, and/or the death penalty. In line with that, according to M. Nurul Irfan and Masyrofah, corruption is included in the punishment of ta'zir. This is because it is strengthened by the opinion of Abdullah bin Abdul Muhsin Al Thariqi in *jarimah Al-Riswah fi Al-Syariah Al-Islamiyyah: Al-Su'udiyah*, and the views of Ibrahim Hosen in his paper entitled *Oath of Office in the view of Islam*. Both stated that the crime of corruption is included in the jarimah ta'zir and not the hudud jarimah.

### **Realizing a Corruption-Free Indonesia in the Perspective of Islamic Criminal Law**

Islam views corruption as a heinous act, and is an act that violates the sharia. Islamic sharia aims to realize the benefits of mankind as called *maqasyidusy shari'ah*. Among the benefits to be aimed at by eradicating corruption is the preservation of property (*hifzul maal*) from various forms of violations and misappropriation<sup>23</sup>. Islam regulates and assesses property from its acquisition to its spending. Likewise, Islam is very protective of the property that exists in a person. In order to preserve wealth, Islam prohibits fraud, as well as taking other people's property by unlawful means, such as stealing, corruption and so on<sup>24</sup>.

As Allah SWT says in the Qur'an Surah Albaqarah (2), verse: 188, as follows: *Do not eat the wealth among you in a wrong way, and (do not) bring it to the judges with the intention that you may eat some of the wealth of others in the way of sin, even though you know it.*

In another verse, Allah says: *O you who have believed, do not consume your neighbor's wealth in an unrighteous way, except in the form of business on the basis of mutual will among you. Do not kill yourselves. Indeed, Allah is Most Merciful to you.* (Qs. An-Nisa (4), verse: 29)

The above verses are, of course, a rebuke as well as a warning for all mankind. So that they do not consume the wealth of others in ways that are not permissible according to Islamic law. There was an event that occurred during the time of the Caliph Umar bin Khattab RA, at that time, Abu Hurairah RA, was appointed as a governor. Another activity of the leadership of Abu Hurairah, he liked to save and collect a lot of wealth from various halal sources. Apparently, the activities carried out by Abu Hurairah, invited Caliph Umar bin Khattab RA, to call him to come to the capital of the country of Medina at that time. Upon arriving in the city of Medina, Caliph Umar RA, said to the governor, "O enemy of Allah and enemy of His Book"! Have you not stolen the treasure of Allah? Governor Abu Hurairah RA. replied, "Commander of the Faithful, I am not an enemy of Allah nor an enemy of His Book. I am the enemy of anyone who is hostile to both. I am not the one who steals the treasure of Allah". Caliph Umar RA, asked him, "Then where did you collect the treasure of 10,000 dinars? Abu Hurairah RA. Answering, "From my thriving camels and from a number of successive gifts have come." Caliph Umar RA. said, "Hand over your wealth to the Baitul Mal of the Muslims!". Abu Hurairah RA. immediately gave it to Caliph Umar RA. He then raised his hands to the sky and said softly, "O Allah, forgive the Commander of the Faithful".

The above story explains that state property in the caliphate system is essentially the property of Allah SWT which is mandated to be guarded by officials and should not be taken *improperly*. The act of taking state property improperly is a fraudulent act by Caliph Umar RA. It is likened to stealing Allah's treasure to further affirm its illegality. Then, officials who took state property immorally, by Caliph Umar RA., were labeled as enemies of Allah and His Book. Because, they mean ignoring the prohibition of Allah SWT. Furthermore, the Caliph as the

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<sup>23</sup> Arini Indika Arifin, Corruption According to the Perspective of Islamic Criminal Law, *Op., Cit.* pp. 72-82

<sup>24</sup> Fitri Wahyuni, *Islamic Criminal Law (Actualization of Islamic Criminal Law Values in the Reform of Indonesian Criminal Law)*, (Tangerang: PT Nusantara Persada Utama, 2018), 219

head of state must guard his subordinate officials so that no one commits fraudulent acts or commits corruption. To maintain this, Caliph Umar RA. Making a procedure, namely who are the governor and mayor officials he appoints will first be calculated the amount of his personal wealth before being appointed, then calculated again when he is dismissed. If there is an indication of an additional amount of improper property, then he confiscates the undue excess or divides it in half, half of which is handed over to *Baitul Mal*<sup>25</sup>. Such was the firmness in the leadership of Umar bin Khattab, and so was his prudence towards the assets that he considered unnatural, which were owned by his subordinates at that time.

Then what about the criminal acts of corruption that occur in Indonesia today, which even every year always increase. Then, what about the system and law enforcement, why is corruption so difficult to solve in this country? Perhaps it is time, we must emulate the attitude and firmness of Umar bin Khattab, a friend of the Prophet PBUH who has a character that does not mess around when dealing with the rights and laws of Allah SWT as the story above. So far, if you pay attention, the efforts and hard work in law enforcement carried out by the government and law enforcement officials against corruption crimes have not been a joke, in line with existing policies and rules, so that corruption crimes have entered the realm of crime *Extra Ordinary Crime* (extraordinary crime). Even though it has not yielded satisfactory results, it is even more rampant. So that thus, realizing a corruption-free Indonesia is certainly not an easy matter. Therefore, the little story above can give a good message, in law enforcement in this country to realize an Indonesia that is free from corruption. If the guidelines in law enforcement are Islamic law and Islamic criminal law.

To realize a corruption-free Indonesia, there are many references that can be used as a reference in efforts to enforce Islamic criminal law in this country, including. **First**, the prohibition of accepting bribes (*risywah*) and gifts. Gifts and bribes given by someone to government officials must contain a certain purpose, namely how to make the apparatus act to benefit the giver of the gift.

When, Abdullah bin Rawahan Tengah carried out the task from the Prophet PBUH to divide the produce of Khaybar in half for the Muslims, and the rest for the Jews. Then a Jew came to him with a bribe in the form of jewelry so that he would give more than half to the Jew. The offer was strongly rejected by Abdullah bin Rawahan, "the bribe you offer is haram, and the Muslims do not eat it". Hearing this, the Jews said, "That is why the heavens and the earth are upright" (Imam Malik in Al-Muwatta). Meanwhile, regarding the receipt of gifts, the Prophet PBUH forbade receiving gifts that come from something that is shubhat.

**Second**, the example of leaders, officials, and law enforcement officials. The eradication of corruption will only be successful if leaders, officials, and law enforcement officials in a country are free from corruption. So, the key word for leaders, officials and law enforcement officials in carrying out their duties *is to adhere to piety*. Because, with *piety*, a person is able to distinguish between what *is righteous* and what *is false*. As Allah says in the Qur'an: *O you who have believed, if you fear Allah, He will surely give you furqan (the ability to distinguish between right and wrong), erase all your faults, and forgive you. God has great gifts.* (Qs. Al-Anfal (8), verse:29).

In line with the Qur'an, the Prophet PBUH once said: *From Abu Umamah, Shuday bin 'Ajlan al Bahili said, "I heard the Prophet PBUH preaching in Hajj wada', then he said, "Fear Allah, perform your five prayers, fast in your month, pay zakat on your wealth and obey your leaders, then you will be able to enter the paradise of your Lord.* (HR At-Tirmidhi).

<sup>25</sup> Zainuddin Syarif, *Islamic Efforts in Curbing the Culture of Corruption*, (KARSA, XVII No, 1 (2010), 51-97



*Third*, appropriate punishment. In principle, people will be afraid to accept risks that will harm them, including if appropriate punishments are imposed on corruptors. Functioning as a deterrent to appropriate punishment for corruptors is expected to create a deterrent effect and will not repeat similar acts. In Islamic criminal law, corrupt perpetrators are subject to the law of ta'zir.

*Fourth*, Mutual Support and Reminder between State Leaders and the community. The community can play an active role in preventing corruption crimes. In Islam, it is depicted as one of the three contents of Umar bin Khattab's speech when he was inaugurated to become the 2nd caliph after Abu Bakr Asshiddiq. In his speech, Umar asked the people of Mecca not to hesitate to reprimand him if he was wrong.

Excerpt from his speech: "*Help me in my duty to carry out amar makruf naih munkar and equip me with your advice regarding the task entrusted to me by Allah for the benefit of you*"<sup>26</sup>.

## CONCLUSION

1. The Islamic religion views committing a criminal act of corruption as a very heinous act, and a violation of Islamic law. Islamic sharia aims to realize the benefits of mankind as mentioned in *the maqasyidusy shari'ah*. Among the benefits to be aimed at by eradicating corruption is the preservation of property (*hifzul maal*) from various forms of violations and misappropriation. Islam regulates and assesses property from its acquisition to its spending. So, in order to preserve wealth, Islam prohibits committing fraud, as well as taking other people's property in illegal ways, such as stealing, corruption and so on.
2. Meanwhile, to realize a corruption-free Indonesia, there are many references that can be used as a reference in efforts to enforce Islamic criminal law in this country, including. *First*, the prohibition of accepting bribes (*risywah*) and gifts. Gifts and bribes given by someone to government officials must contain a certain purpose, namely how to make the apparatus act to benefit the giver of the gift. *Second*, the example of leaders, officials, and law enforcement officials. The eradication of corruption will only be successful if leaders, officials, and law enforcement officials in a country are free from corruption. So, the key word for leaders, officials and law enforcement officials in carrying out their duties *is to adhere to piety*. Because, with *piety*, a person is able to distinguish between what *is righteous* and what *is false*. *Third*, appropriate punishment. In principle, people will be afraid to accept risks that will harm them, including if appropriate punishments are imposed on corruptors. Functioning as a deterrent to appropriate punishment for corruptors is expected to create a deterrent effect and will not repeat similar acts. In Islamic criminal law, corrupt perpetrators are subject to the law of ta'zir. *Fourth*, Mutual Support and Reminder between State Leaders and the community. The community can play an active role in preventing corruption crimes.

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