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Analysis of Corruption Criminal Punishment Based on *Qawāid Fiqhiyyah*

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Abstract: This study uses an Islamic approach with a fiqh perspective based on *Qawāid Fiqhiyyah* to address corruption. This means they combine subjective (based on Islamic views), primordialist (rooted in Islamic religious and cultural identity) and dogmatic (based on strictly applied *Qawāid Fiqhiyyah* principles) approaches to deal with the complex and dilemmatic problem of corruption. This approach allows them to treat corruption not just as a legal crime, as well as a moral and social problem that needs to be resolved by taking into account religious values and the principles of justice and public benefit regulated in *Qawāid Fiqhiyyah*. In the context of *Qawāid Fiqhiyyah*, this approach reflects the main principles that focus on justice, community welfare and prevention of damage. *Qawāid Fiqhiyyah* emphasizes the importance of fair and efficient law enforcement (الضرر يزال - "damage must be eliminated"), maintaining the public benefit (المصلحة العامة - "public interest"), and maintaining moral and religious values (الأمر بمقاصدها - "everything is based on goals"). Confirming the law, improving the economic conditions of officials, and overcoming the culture of hedonism and consumerism are in line with these principles, which ultimately aim to create a just and prosperous society.

Keywords: Corruption; Punishment; Crime; *Qawāid Fiqhiyyah*.

Abstrak: Dalam studi ini digunakan pendekatan keislaman dengan perspektif fiqh berlandaskan *Qawāid Fiqhiyyah* untuk menyikapi korupsi. Ini berarti mereka mengkombinasikan pendekatan subjektif (berdasarkan pandangan keislaman), primordialis (mengakar pada identitas agama dan budaya Islam), dan dogmatis (berdasarkan prinsip-prinsip *Qawāid Fiqhiyyah* yang diterapkan secara tegas) untuk menghadapi masalah korupsi yang kompleks dan dilematis. Pendekatan ini memungkinkan mereka untuk menangani korupsi tidak hanya sebagai kejahatan hukum, tetapi juga sebagai masalah moral dan sosial yang perlu diselesaikan

dengan memperhatikan nilai-nilai agama dan prinsip-prinsip keadilan serta kemaslahatan umum yang diatur dalam Qawāid Fiqhiyyah. Dalam konteks Qawāid Fiqhiyyah, pendekatan ini mencerminkan prinsip-prinsip utama yang berfokus pada keadilan, kesejahteraan masyarakat, dan pencegahan kerusakan. Qawāid Fiqhiyyah menekankan pentingnya penegakan hukum yang adil dan efisien (الضرر يزال - "kerusakan harus dihilangkan"), menjaga kemaslahatan umum (المصلحة العامة - "kepentingan umum"), serta memelihara nilai-nilai moral dan agama (الأمر بمقاصدها - "segala sesuatu berdasarkan tujuannya"). Penegakan hukum, peningkatan kondisi ekonomi pejabat, serta penanggulangan budaya hedonisme dan konsumerisme selaras dengan kaidah-kaidah ini, yang pada akhirnya bertujuan untuk menciptakan masyarakat yang adil dan sejahtera.

Kata Kunci: Korupsi; Hukuman; Tindak Pidana; Qawāid Fiqhiyyah.

INTRODUCTION

Corruption is seen in people's lives because of problems with normative organizations. From the view given by Hans G. Guterbock, it is stated that this problem involves the role of judges as gratification during the Babylonian and Assyrian eras.¹ The history of corruption in human life in Indonesia has been very long, from pre-constitutional to constitutional.² Signs of corruption cases were observed in 1602 based on the fact with the sentence "Vereenigde Oost-Indische Compagnie". The term can be interpreted as "Association Company Indies East" becomes editorial "Vergaan Onder Corruptie" which means "Bankrupt Due to Corruption".³ Several reviews of the perpetrators and legal regulations show 2 important concepts of the corruption diaspora according to the discussion of the Criminal Code regarding bribery cases at that time.⁴ At the macro level, corruption involved the New Order government (March 12, 1967 to May 21, 1998). In this case, it is suspected that corruption occurred in several interest groups or known as interest groups.⁵ During the reform era as the beginning of criminal corruption practices, there was a role for the Attorney General who acted as a criminal corruption figure by creating new criminal acts.⁶ Another development of the phenomenon was that several village heads held their

¹ Alatas, *Korupsi: Sifat, Sebab, dan Fungsi* (Jakarta: Media Pratama, 1987).

² Merle Calvin Ricklefs, *A History of Modern Indonesia Since c. 1200*, 3rd Ed. (Great Britain: Palgrave Macmillan, 2001).

³ Globethics.net International Secretariat, *Etika Dan Religiusitas Anti-Korupsi: Dari Konsep Ke Praktek Di Indonesia* (Geneva: Globethics, 2015).

⁴ Darwan Prinst, *Pemberantasan Tindak Pidana Korupsi* (Bandung: Citra Aditya Bakti, 2002).

⁵ Kemitraan Bagi Pembaruan Tata Pemerintahan, "Survei Nasional Mengenai Korupsi Di Indonesia" (Jakarta, 2002).

⁶ Prinst, *Pemberantasan Tindak Pidana Korupsi*.

first demonstration to protest the alleged corruption of the empty Kasda (Regional Treasury) on August 8, 2004, which later became part of the long history of corruption.⁷

An extraordinary crime and criminal act has grown rapidly in parts of the world, including developing countries,⁸ such as Indonesia, namely corruption. Through research on six countries in Asia, Jon ST Quah stated that corruption is a lifestyle that has become embedded in many aspects of community life.⁹ Axel Dreher and Friedrich Schneider expressed the view that crime must be anticipated as quickly as possible because it will intimidate human life.¹⁰ In contrast, Dieter Haller and Cris Shore provide support for Elizabeth Harrison's expression that sees corruption as the result of social instability, or social pathology, and the lack of benefits of social science and social disciplines that erode social life.¹¹

In different conditions, understanding the substance of corruption is not only limited to theoretical discussions, but also involves the ability to apply this knowledge practically in handling corruption cases in society. However, it extends to discussions and practices related to anticipatory actions. administration transparent, accountability, and rule of law. According to Syed Hussein Alatas, corruption is defined as a form of imitative behavior by committing fraud by betraying trust.^{12,13} The essence of corruption is not limited to just not only to the extent on "guarantee", but also in the form of instability of negative impacts due to other people. Corruption is interpreted as a reflection of the relativist position with the nickname "gift giving" and tolerate "culture of acceptance" (excused as culturally acceptable).¹⁴ In this case, corruption is usually related to social character issues, such as gender issues., age, religion, ethnicity, and others that allows the transition.

With various perspectives, the discussion of corruption as the main subject of extraordinary crimes is also known as extraordinary crimes. This is because it has received diverse attention. The problem that has experienced the development of discourse and facts is the dynamics of identifying corruptors who are involved in corruption cases. The

⁷ Rinaldi Taufik, Marini Purnomo, and Dewi Damayanti, *Memerangi Korupsi Di Indonesia Yang Terdesentralisasi: Studi Kasus Penanganan Korupsi Pemerintah Daerah* (Washington: Bank Dunia, 2007).

⁸ Shleifer, Andrei, and Robert W Vishny, "Corruption," *Economics* 108, no. 1 (1993).

⁹ JS Quah, *Curbing Corruption in Asia: A Comparative Study of Six Countries* (Singapore: Eastern University Press, 2003).

¹⁰ Alex Draher and Friedrich Schneider, "Corruption and Shadow Economy an Empirical Analysis," *Public Choice* 144, no. 1 (2010): 215-38.

¹¹ Dieter Haller, *Corruption: Anthropological Perspective* (London: Pluto Press, 2005).

¹² Muhammad Nurul Irfan, *Korupsi Dalam Hukum Pidana Islam* (Jakarta: Amzah, 2011).

¹³ Baharuddin Lopa, *Masalah Korupsi Dan Pemecahannya* (Jakarta: Kipas Putih Aksara, 1997).

¹⁴ Elizabeth Harrison, "Corruption," *Development in Practice* 17, no. 4/5 (2007): 672-78.

government and society as a whole can be involved in identifying corruptors.¹⁵ Imam Ash-Shan'any showed and imposed restrictions on judges and officials. In this situation, both have criminal responsibility, namely bribery.¹⁶ Corruption is seen from the behavior in which an individual can maintain a relationship. This has been shown in "Webster's *Third New International Dictionary*" by showing it to the editor nepotism. This means that every love relationship in kinship often abuses career and economic activities.¹⁷ In this situation, there is a widespread view that places corruptors as people who do good or evil because of the goals they realize.

Munawar Faud explained that there are seven parts to understanding the motives, patterns and forms of corruption. Transactional corruption is a form of corruption that occurs between two parties because of the active desire for profit. Corruption has an extortionate nature where this involves bribery between the parties involved. Bribery is done so that there are no obstacles to the first party. Corruption is also ontogenic. In this context, corruption involves several interests, namely members of the legislature who will provide support for the bill so that it provides benefits. Then, corruption can also be said to be defensive, which means that it involves the state of an individual offering a bribe to a judge in order to defend himself and be free from charges. In addition, corruption is also related to the character of investment which illustrates the services provided with the intention of obtaining compensation for services. Corruption has a nepotistic character which means it involves a family that has a socialist psychological closeness in achieving a position of office so that it can receive special treatment. Finally, corruption is considered a supportive act. This type of corruption does not involve elements of monetary value. This condition can be seen through the apathetic attitude shown by humans.¹⁸ From a generic perspective, corruption is defined as a social crime that can pose a threat to all human life.

The generic legal view is in accordance with the Islamic legal view which displays (Qawā'id Fiqhiyyah and difference sect fiqh) ideologically-dogmatically. This approach is called The "black-white" approach is a form of attitude and approach that does not consider dialogical space. In reality, there is a disapproval of the non-dialogicality that shows doubt with the term "gray" where this is born from the womb

¹⁵ Umar Sulaiman, *Korupsi Dan Dialektika Manusia Sempurna: Sebuah Analisis Terhadap Peranan KPK Dalam Pemberantasan Korupsi*, in *Issues in Contemporary Dakwah*, Ed. Andi Faisal Bakti (Jakarta: Sekolah Pascasarjana Universitas Islam Negeri Syarif Hidayatullah, 2016).

¹⁶ Muhammad bin Ismail Al-Shan'any, *Subulus Salam* (Beirut: Dar Al-Fiqr, 1990).

¹⁷ R.A Munnawar Fuad, *Masalah Korupsi Di Indonesia: Telaah Dari Perspektif Cendekiawan Muslim* (Jakarta: IAIN Syarif Hidayatullah, 1998).

¹⁸ Fuad.

of “black-white”. In depth, which gray Which want to used? fiqh sectarian become answer or dispute? Dialogization on difference fiqh to corruption happened with moment by moment or all the time? This study was conducted to explain the attitude act criminal corruption in accordance with point of view *Qawāid Fiqhiyyah*.

In Ahmad's research, there is a connection with the theme that explains about criminal acts of corruption according to Islamic law. In this case, the rules of fiqh are used as the basis for analyzing and determining the law for each perpetrator of corruption. In addition, references to sources with the Qur'an and hadith are also used in an effort to provide support for arguments related to the prohibition of corruption. However, there are still differences in the analytical approaches used. This study focuses more on the application of the rules of fiqh in analyzing punishment, while previous articles tend to explain aspects related to the influence of the rules of *ushuliyyah* and *fiqhiyyah* to difference opinion in fiqh more generally. The scope of the analysis also looks different where the focus of this study is from one point of view so that the analysis is more in-depth. Through this, although there are similarities, the approach and focus of the analysis are different regarding the complexity of corruption law from an Islamic perspective.¹⁹

RESEARCH METHODS

This research is a qualitative research using a literature study approach. By combining various in-depth literature analysis techniques, the literature study research allows this research to formulate a richer and more critical view of the topic being studied. The research data source uses secondary data sources collected through documentation techniques. A number of research references come from books, laws, scientific articles, and various government publications or other relevant sources that are considered in line with the topic of discussion. Meanwhile, for the data analysis technique, the research adopts the qualitative data analysis technique proposed by Miles and Huberman, which starts from data reduction, followed by data presentation and finally drawing conclusions.

DISCUSSION/RESULTS AND DISCUSSION

Editorial and Definition of Corruption and Dialectics of Debate or Discussion Based on the Qur'an and Hadith

The diction "corruption" is Latin for *corruptio* or *corruptus* which shows the meaning of the spread and adoption from European countries.

¹⁹ J Ahmad, “Analisa Pengaruh Alqawaid Alushuliyyah Dan Fiqhiyyah Terhadap Perbedaan Pendapat Dalam Fiqih (Kasus Hukuman Untuk Tindak Pidana Korupsi),” no. 2 (2017), <https://doi.org/10.17605/OSF.IO/T4JNF>.

Some of these countries are England, France and the Netherlands Corruptie.²⁰ There is some disagreement regarding the way the term "corruption" developed. Andi Hamzah And Adam Chazawi disagree and say that the English word for corruption is corruption or corrupt, the French word is corruption, and the Dutch word is corruptie or corruptive.^{21,22} "Corruption" is taken from the Latin word corruptio or corruptus, which means damaged, shaky, twisted, bribe, corrupt person, or bribery and then developed into official diction in Indonesia today.²³ Corruption is a form of misuse of trust for personal gain.²⁴

Since classical times, corruption has been a crucial topic in the religious field. Today, it has crystallize And get various opinions theological-dogmatic-ideological. Normativity used as a stimulant to provide total influence to religious adherents to be more trusting. Dogmatization and ideologization of religion show corruption as a form of indiscipline behavior in increasing the strengthening of the principles of religious normativeness in order to reflect wilstanchung (which is Dutch) Which means "a perspective and a guide to life") through 2 the tool is the Qur'an and Hadith to be able to maintain welfare. The presence of the Qur'an (thematically) contribute to the response to corruptionby QS. 2:188, 3:161, 4:29, And 5:62. Asmawi disclose that *entry point* QS. 3:161 is consistent in maintaining "black and white" which reflects the prohibition in the diction al-gulul. This is based on the stimulation of the application of the clause "al-Tarhib" or "al Wa'id" with editor of يوم القيامة.^{25, 26, 27, 28}

Asmawi also stated that the meaning of QS. 5:62 focuses on the prohibition of the phrase *ahl al-suht* which is proven through the application of the clause "reproach" (*al-ta'bīr bi al-dzamm*) in the form of the wording of the clause لبئس ما كانوا يعملون. The qualification of *al-gulul* is

²⁰ Tri Andrisman, *Pemberantasan Tindak Khusus Di Luar KUHP* (Bandar Lampung: Universitas Lampung, 2010).

²¹ Andi Hamzah, *Pemberantasan Korupsi Melalui Hukum Nasional Dan Internasional* (Jakarta: Raja Grafindo Persada, 2005).

²² Adami Chazawi, *Hukum Pidana Materiil dan Formiil Korupsi Di Indonesia* (Malang: Bayu Media, 2005).

²³ Andrisman, *Pemberantasan Tindak Khusus Di Luar KUHP*.

²⁴ Anwar Syamsul, *Fikih Anti Korupsi: Perspektif Ulama Muhammadiyah Majelis Tarjih Dan Tajdid PP. Muhammadiyah* (Jakarta: Pusat Studi Agama dan Peradaban, 2006).

²⁵ Katsir Abu Al-Fidaa' Ismail Ibn 'Umar Ibn, *Tafsir Alquran Al-'Azim*, ed. Saami Ibn Muhammad Salaamah (Riyad: Dār Tayyibah li Al-Naṣr waal-Tauzī', 1999).

²⁶ Asmawi, *Teori Maṣlaḥāt Dan Relevansinya Dengan Perundang-Undangan Pidana Khusus Di Indonesia* (Jakarta: UIN Syarif Hidayatullah, 2009).

²⁷ Syams Al-Dīn Al-Qurtubi, *Al-Jāmi' Li Ahkām Alquran* (Beirut: Dar Al-Fiqr, 2003).

²⁸ Abū Ja'far Al-Ṭabarī, *Jāmi' Al-Bayān Fi Ta'wīl Alquran*, ed. Ahmad Muhammad Syaakir (Beirut: Mu'assasat Al-Risaalah, 2000).

explained in the Hadith narrated by Abu Dawud,²⁹ with response to QS. 3: 161

“Whoever we appoint as an employee for a job assignment, then we give him a salary. So everything he takes outside of that is *gulul*.”
(HR. Abu Dawud)

In order to face the problem of corruption with the editorial on the Hadith Foundation. Nur Achmad revealed that there are six editorial phenomena found in the hadith of the prophet Muhammad, namely *Gulul*, *Hadith*, *Risywah*, *Suht*, *Bai'at al-Imām li al-Dunya*, and *The Path of the Qadi and the Imam*.³⁰

Inventory And mapping Which done Nur Ahmad covering Th ree Hadiths rollin a way general, four twelve Hadith roll *al-ganimah*, nine Hadith roll *charity And the gift of the umma*, Hadith *risk*, two Hadith *suht*, One Hadith *allegiance to the Imam of the world*, 3 hadiths *jaur al-qadi aw al-imam*.³¹ What is meant is that Nur Achmad conducted an inventory and mapping of the Hadith which covers various aspects of corruption. In general general, he examines 3 Hadith on *gulul*, which refers to the embezzlement of spoils without proper authorization. Next, he identifies fourteen Hadith on *gulul al-ganimah*, which highlight the practice of abuse in the distribution of spoils of war. The next nine Hadith discuss *gulul al-sadaqah* and *hadiyyah al-'ummah*, which talk about the misuse of charitable funds or the giving of gifts to state officials or workers. There are also three Hadith on *risywah*, which refers to the acceptance of bribes or gifts to influence decisions. Two Hadith on *suht* highlight the use of false accusations to damage a person's reputation. One Hadith on *bai'at al-imam li al-dunya* emphasizes the risk of corruption in the abuse of political power or leadership for personal or worldly interests. The last five Hadith discuss the path of *al-qadi aw al-imam*, which illustrates the danger of corruption among judges or leaders in rendering unjust or partial decisions. Through this approach, Nur Achmad not only collects and classifies Hadith related to corruption, but also provides an in-depth understanding of various forms of corruption from an Islamic perspective, which provides a basis for thinking about how to overcome this problem in society.

Fiqh Jurisprudence: Conceptual Approach

In Islam, especially from the perspective of fanatical and primordialist Islamic figures but subjective in nature, it shows a

²⁹ Asmawi, *Teori Maṣlaḥāt Dan Relevansinya Dengan Perundang-Undangan Pidana Khusus Di Indonesia*.

³⁰ Nur Achmad, *Pencegahan Korupsi Dalam Perspektif Hadis: Studi Hadis Dalam Kutub Al-Sittah* (Jakarta: Universitas Islam Negeri Syarif Hidayatullah, 2007).

³¹ Ahmad.

contribution to resolving cases such as corruption through the use of operational tools, namely *Qawāid al-Fiqhiyyah*. The complexity of the development of human civilization is a manifestation of problems that are always changing and more casuistic. The author provides several similar principles of fiqh when dealing with corruption cases. The fiqh conventions are explained as follows:

1. Showing priority of interests positive constructive (*maslahah*) rather than self-interest destructive negative (*al-Mafasid*)

جَلْبُ الْمَصَالِحِ وَدَفْعُ الْمَفَاسِدِ

"Achieving welfare and reject harm"

2. Five rules the main thing (*Al-Qawāid al-Khamsah*) Which includes:

الْأُمُورُ بِمَقَاصِدِهَا

"All matter based on on "intention/intention/I'tikad"

الضَّرَرُ يُزَالُ

"Harm must removed"

الْيَقِينُ لَا يُزَالُ بِالشَّكِّ

"Belief No can removed with doubt"

الْمَشَقَّةُ تَجْلِبُ التَّيْسِيرُ

"Difficulty bring in convenience"

الْعَادَةُ مُحْكَمَةٌ

"Customs or habits can be used as considerations in determining a law"

المصلحة المرسله

"Public interests that are not explicitly mentioned in legal texts must be taken into account and taken into account."

3. Description The 5 main rules above with 2 rules, as follows:

الضَّرُورَاتُ تُبَيِّحُ الْمَحْظُورَاتِ

"Benefits No Can removed with harm Again"

الضَّرَرُ يُدْفَعُ بِقَدْرِ الْإِمْكَانِ

"Harm must rejected (removed) just enough"

4. Variant rules in legal discipline (more specifically not in worship but in muamalah)

الْعَرْمُ بِالْغَنَمِ

"Loss charged Because person get profit"

5. Functional rules in conflict analysis are described by the relationship between two rules as follows:

المصلحة العامة مُقَدَّمَةٌ عَلَى المصلحة الخاصة

"Public welfare takes precedence over personal welfare"

لَا ضَرَرَ وَلَا ضِرَارَ

"No harmful And No harmed"

6. Anticipatory rules

درء المفسد مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

"Reject The reason come first than to achieve benefit"

المتفق عليه مقدم على المختلف فيه

"What is agreed upon takes priority over what is debated/disputed"

Implementation *ijtihad* in Determination Law

The term corruption often crowned as a great evil act because (extraordinary crime) because of its destructive nature, not only individually but also on a broad social and economic scale. Corruption is done because of the mistake of using power for personal gain in an illegitimate or unethical way. It includes various acts such as bribery, nepotism, embezzlement, financial manipulation, and other forms that tend to harm the public interest.

In the realm of religion (Islam), *ijtihad* can be defined as the necessity of providing a response outside the text (the Quran and Hadith). This is in line with the benefits of *ijtihad* as an effort to examine Islamic law scientifically which is used to provide an understanding of the response or will of Allah to the emergence of legal problems.³² This

³² Ruhimin Affandi Abdul Rahim, "Ijtihad Dalam Institusi Fatwā Di Malaysia: Satu Analisis," *Jurnal Syariah* 17, no. 1 (2009).

opinion was confirmed by Fathurrahman Djamil,³³ which states that *ijtihad* is an effort applied to the rules of fiqh so that it can help solve problems in terms of phenomena or motives such as corruption.

The phenomenon of transactional corruption is something that will show the character of an individual by involving two parties to gain profit. This form of corruption is often associated with fiqh rules such as: First, the rule of *جَلْبُ الْمَصَالِحِ وَدَفْعُ الْمَفَاسِدِ* is considered to have a connection because there is a message conveyed in the form of priority of *maslahat* (or common interests of *جَلْبُ الْمَصَالِحِ* in accommodating the interests of other parties. The entry point *دَفْعُ الْمَفَاسِدِ* is used as one of the considerations because the two parties synergize in corruption. This shows abuse of power. The antithesis rule to this rule is *الْعَادَةُ مُحْكَمَةٌ* which has the reason of the habits and culture of corruption that have formed policies. *maslahah*. Some things that need to be considered to be able to better understand how to apply the principle of *الْعَادَةُ مُحْكَمَةٌ* are the lack of clarity and transparency when making transactions. This makes the public have doubts that interfere with good and bad results.

Corruption is something that is destructive and detrimental to many aspects of people's lives. Substantially, corruption refers to the abuse of power or position given to someone in government, business, or other institutions to gain personal gain in an illegal or unethical manner.. The selfish attitude of the first party when giving bribes to the second party will trigger obstacles. This action is a form of cheating in competition that creates unhealthy conditions. The rule in this corruption case typology is *الْعَرْمُ بِالْغَنَمِ* where this attempts to consider the party in the obstacles to the first party. This condition is a normative task that is carried out to minimize criminal acts. The application of obstacles and challenges to the first party is an obligation that must be considered to obtain benefits for the first party when carrying out the stages of activity. On the other hand, normative application aims to obtain benefits from undisciplined work activities and cannot tolerate the use of regulations so that criminal acts arise. This has an impact on the birth of a prestigious generation in corruption. The antithesis rule to the rule above is *الْمُتَّفَقُ عَلَيْهِ* This rule is based on opportunities for the bribe giver and the bribe taker.

³³ Fathurrahman Djamil, *Metode Ijtihad Majlis Tarjih Muhammadiyah* (Jakarta: Logos Wacana Ilmu, 1995).

The emergence of debates related to bribery is something that often happens so that obstacles are not formed. One of the reasons heard is the bureaucracy and certain employees who show unprofessional performance when providing public services to each work unit. This condition will give rise to a new cultural phenomenon, namely professional service with the presence or absence of bribes from the first party indirectly. In this condition, there is an indication of bureaucratic-administrative performance that uses a long duration and shows less friendly physical service.

The use of the rule *عَلَيْهِ مُقَدَّمٌ عَلَى الْمُخْتَلَفِ فِيهِ* is used as an interesting topic with the entry point *المتفق عليه* where this is stated as invalid in the application of the editorial of *مقدم* because bribery is an activity that is not based on legal and social norms. The wording *المتفق عليه* has connotations of corruption or bribery without showing any legality with normative elements and the wording *مقدم* cannot be applied because it will have an impact on social harmony.

The third typology of corruption is ontogenic corruption which is interpreted as one of the legislative specifications and involves oneself as the main actor in the debate issue. The rules applied try to show persuasiveness with the editorial. *مصلحة العامة مُقَدَّمَةٌ عَلَى المصلحة الخاصة*. This rule is important because there are two interpretations in the acquisition of public interest. The first interpretation shows that the legislative council is a representation of the people's voice. In this case, council members are made as public interest (*المصلحة العامة*). The second interpretation is the fact that corruption is involved by council members. This action is an indication that shows the legislative performance of council members because it is not based on the aspect (*المصلحة العامة*) (from, by, and for the people) but is based solely on personal interests (*المصلحة العامة*). The reason for using this rule is to be able to provide persuasive encouragement when conveying, remembering and reprimanding criminal acts in corruption. Support from council members helps in designing laws for the benefit alone and not in the interests of the nation.

The antithesis rule above is *لَا ثَوَابَ إِلَّا بِالْيَتَةِ*. The wording *بالنية* becomes the position of the offer which is used as a claim to uphold the struggle in the fate of the people. The wording *ثَوَاب* is used as a form of appreciation interpreted as a form of satisfaction towards the inner

self. And social when member board capable of harmonizing the Law. However, the terminology related to the interests of the people cannot be meaningful in such a hegemonic game that forms two questions, "which people?" "Which law benefits which party?"

Defensive corruption generally occurs in cases where witnesses, unexpected, suspect, or The defendant resisted the judge. This is a form of corruption involving the briber offering a bribe to the judge to change or reduce the judge's decision. The rule The one used is *الْعَرْمُ بِالْعَنَمِ* because the witness, suspect, suspect, or defendant is considered to have gained an advantage from the mistake made or knowledge related to the criminal-civil act. witness, the suspect, or the suspect party, And defendant does not have the right to bribe judges to obtain leniency or to drop cases. This is because the world of justice is a place for implementing normativeness. in reality by considering the value of equality in every eye of the law and the objective principle. The antithesis rule to provide a response to the rule above is *لا يزال بالشك* the reason is that there is an obligation to defend oneself while ensuring the defense of rights and truth when the witness, suspect, suspect, or defendant is in a cornered position. In addition, when several indications of self-harm are found from the judge's side. In this case, the belief felt by the witness, suspect, suspect, and the accused is a right that must be maintained when compared to the judicial process that shows doubtful nature. However, the rights, truth, and beliefs that are maintained cannot be achieved or implemented through bribery of judges. This is because such actions are included in the criminal domain, namely corruption.

Professionalism must not only be supported by demands and implementation of work values that show satisfaction, but must also be supported by a sense of love for the job. Which done and perform tasks with full satisfaction without having the desire to obtain "more rewards". Corruption investment is an act subjective-assumptive mentalism Which done on base desire for effort to obtain something greater than is acceptable. In case typology of corruption this, the rule The one used is *الأمر بمقاصدها* on the grounds that the desire, intention, or *i'tikad* to "get something more" is the impetus for the criminal act of bribery corruption. Even if it only stimulates subjective-subjective-mentalistic feelings, it is also included in a form of practice preservation culture corruption. The basic principle of the above principle is *لا ضرر ولا ضرار* on the grounds that hope cannot cause damage, is not something that is harmed, and is a legitimate thing. However, the most important thing about this typology is that everyone must be able to

make improving the quality of their life a priority biologically, practically, and mentally.

Nepotism has a relationship between psychological-social kinship interventions that are interesting to read and analyze. Corruption that is carried out in a way collective Which must follow certain standards including this category for obtaining a position or special treatment can use the rule of *تُبيحُ الضروراتُ تُبيحُ المخطورات* in order to show the policy of similar cases. This is based on the fact that brotherhood and friendship cannot be used to commit criminal acts. One of the rules that justifies nepotism while opposing the above rule is *صلحة العامة مُقدَّمةٌ على المصلحة الخاصة* by giving the reason for the struggle for interests beyond one person and not based on personal or individual interests.

Corruption without involving finance, goods or services has developed into a different dynamic, known as supportive corruption as an act of neglect. The existence of a counterproductive mentality, consisting of the nature and attitude of indifference or apathy, is responsible for maintaining and preserving this culture of corruption. The rule used in making this case wise is *الضررُ يُدفعُ بقدر الإمكان* this rule is based on the reason for the rejection and prevention of harm or evil (crime) is a form of obligation for each individual based on the ability seen with emphasis and emergence This diction *يُقَدَّرُ الإمكان*. The rule that shows the denial but provides support for the apathetic attitude towards the culture or incident of corruption is *المشقة تجلب التيسير*. This rule is used on the grounds that every form of crime will have fatal consequences if there is a prohibition or prevention.

These negative consequences not only impact oneself, family, career, or close people, but can also endanger personal assets owned by those who stop, advise, reject, or commit unethical crimes. However, convenience must be considered (with the diction *التيسير*) which is expected by apathetic people to be able to avoid bad consequences (difficulties or negative effects discussed in the hadith with the diction *المشقة*

تجلب التيسير) is a form of selfish behavior that shows a desire to prioritize oneself or one's family without considering the safety of others. This will cause danger to society when corruption cases continue to occur, continue and become a tradition in everyday life that has fatal consequences for the next generation.

Practice of Eradicating Criminal Acts of Corruption: Between Falsehood and Demands

The amount of corruption in empirical reality is supported by various myths that are approved and believed. First and foremost, the root is destroyed. In the land of thieves, honesty is very rarely shown by many individuals. An honest person is like holding coal. If thrown away or burned, it is likely to survive. The corrupt system, social, even the kinship system, and the history of modern localistic human civilization destroy those who persist in honesty. People who are able to remain honest are a respected phenomenon. On the other hand, do not be part of PHP, or false hope givers, who expect changes to the system and reform of corrupt bureaucracy, while honest people never get the chance.

Second, corruption is the best art and culture of this country. Honesty is a fictitious-manipulative image, while the position of corruption is considered an art. The application of art in law includes internal elements, such as lobbying skills, tactics to approach legal authorities, protection of confidentiality, and providing the parties involved with a guarantee of security-status. This leads to the idea that corruption is carried out collectively. In terms of dividing the "cake" and guaranteeing security, confidentiality must be applied fairly as a condition and condition for corruption that is generally accepted by society. If this does not work, it is not surprising that the poetic proverb "one dies, all die" is used.

Third, corruption is a symbol of intelligence in the field of crime. Intelligence in the field of corruption shows the form of: 1) How far the potential of intelligence can be maximized in state financial corruption; 2) Can the payment of state money be done before the time (end of the year); 3) Preparation of a fictitious budget and LPJ (Accountability Report) for a particular project or program by moving imagination and; 4) Improving the quality of socializing in order to facilitate corruption efforts. People Which can't budget And LPJ is called "stupid", while big-time corruptors can never be caught and imprisoned, which shows the high intelligence of the crime.

Fourth, a Javanese myth called *aji while*. This myth clarifies the use of time free time time Busy and healthy before disease comes and can eliminate authority, affect position and power when a person does not sit in the top position. Basically, there is no guarantee when an individual becomes rich during his life. This is the reason why positions can be maximized by giving wealth to oneself through corruption. Formulating policies and eradicating corrupt practices involves all parties, sectors, and components of government and non-government. This is in line with the fact that corruption is dominated by individual behavior in all levels of civil society, not just government officials and elites. This is in accordance

with the law of economics which states that *supply* greater than *demand*. Overall it can be stated that, in efforts to overcome dynamics corruption only can achieved when social systes and formal systems stop the chain of indiscipline that generally runs from *stakeholders* and *shareholder*, and allows corruptors to speak and be accepted.

Some solutions that can be applied are by approaching the highly political cost system. When this happens periodically, the election becomes an event awaited by the public to be able to draw fate by spending a lot of campaign costs legislatively or executively. The high political price to compete for government seats is always positively correlated with how a candidate is elected to run the country's government and maintain a culture of corruption through abuse of power and policy. In general, the high cost of competing for corruption talents in elections occurs at the national and regional levels.

The second solution is in the affirmation and strengthening of law enforcement. In this case, corruption is implemented by Police and Corruption Eradication Commission (KPK). The organization is prestigious from the appreciation of the community showing the reversal of public opinion by solving problems,³⁴ especially in the Hand Catch Operation (OTT). Simulations in law enforcement efforts must be implemented more firmly, namely; 1) Cleaning up the bureaucracy twice a month; 2) Implementing the law without discrimination, especially those shown in sub-district and capital city agencies, government and corruption eradication agencies (such as prosecutor's office, police, Corruption Eradication Committee, court, and judge); 3) Giving legal sanctions without remission and; 4) Applying legal sanctions with the death penalty to corruptors who will cause losses to the state. In addition, there are political rights for corruptors who will be evidence related to losses with a minimum value of one hundred million, as well as life imprisonment for corruptors who have shown evidence that they have harmed the state at least two billion.

The third solution is to eradicate the economic aspect of the government. In this case, the income earned by civil servants is a concern when analyzed with the standard of social needs of families or households. Problems like this cause the desire for corruption or collusive interactions and administrative engineering (also known as manipulation) and nepotism.

The fourth solution is to be wise and prudent in a hedonistic and consumer culture which will provide stable stimulation to lifestyle and

³⁴ Lukman Hakim, "Model Integrasi Pendidikan Anti Korupsi Dalam Kurikulum Pendidikan Islam," *Jurnal Pendidikan Agama Islam-Talim* 10, no. 2 (2012).

eliminate practices. Save. Culture counter productive Which held by society as a whole and teenagers in particular is the result of media freedom that gradually fosters different desires and thoughts. The right strategy by channeling energy to visionaries productively and positively must be adjusted to the interests and talents they have. This action is the only way to deal with regulations like this. In different conditions, there are national regulations that are used in cultural introductions by means of national study tours (by implementing a two-week inter-island delivery program regulated by the government) and cultural road (each contingent from one province will participate in activities to be able to recognize various aspects including music, dance, culinary, clothes customs, weapon customs, to cultural literary products).

The fifth solution is the preservation of religious morals. Basically, religious morals are used as a fortress against bad activities. This is one of the persuasive solutions to be more generally accepted by society. The form of action shown by an individual shows intolerance, inconsistency, indiscipline which will cause isolation or even immediate elimination with a memory and a call of the heart. This will show two dictions (between "sin" and "hell") in Islamic and Christian teachings, as well as the concept of karma (circulation of cause and effect or causality) in Hindu teachings. and Buddha.

CONCLUSION

Responding to corruption is applied with the rules of fiqh. In this study, transactional corruption can be responded to with the جلب المصالح and دفع المفساد rules. There are various types of corruption that can be used such as transactional corruption, extortionist corruption, ontogenic corruption, defensive corruption, investment corruption, nepotism corruption, and supportive corruption. Extortionist corruption is dealt with using the following rules: القاعدة المتفق عليها مقدمة rules الغرم بالغرم. Ontogenic corruption is addressed by the existence of rules على المختلف فيه. Defensive corruption is dealt with using the rules لا ثواب إلا بالنية rules المصلحة العامة مقدمة على المصلحة الخاصة. Corruption of an investment nature is addressed with the presence of rules لا يثبت إلا بالشك rules لا غرم بالغرم. Corruption in the form of nepotism is dealt with by using the following rules and الضرورات تبيح المحظورات rules لا ضرر ولا ضرار and rules الأمور بمقاصدها. Supportive corruption is matured rules المصلحة العامة مقدمة على المصلحة الخاصة.

and addressed with the presence of rules *المشقة* and *يدفع بقدر الإمكان*

تجلب التيسير Resolving the highly political cost system refers to efforts to reduce the impact of high political costs that are often associated with corruption cases, by implementing policy reforms that encourage transparency and accountability in government. This step is accompanied by tightened law enforcement through increasing the resources and capacity of law enforcement agencies, as well as the application of strict penalties for perpetrators of corruption. In addition, eradicating the economic factors of government officials involves improving the economic conditions of government employees to reduce the incentives to engage in corruption. Efforts are also made to make wise and wise the culture of hedonism and consumerism by promoting the values of integrity and simplicity, as well as through education and awareness of the dangers of excessive materialistic orientation. Finally, preserving religious morals is a focus for building a strong moral foundation in society, encouraging integrity and ethical behavior in all walks of life. Through a comprehensive approach, it is hoped that the prevalence of corruption can be reduced and a system that is fairer and more sustainable for all can be built.

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