

The Relevance of *Hudud* and *Ta'zir* in Corruption Law Enforcement through the Perspective of Islamic Criminal Law

Angga Fadzar¹, Azmi Syakira², Khotijah³, Rere Citra Ramadhan⁴,
Firman Robiansyah⁵

(1) (2,3,4,5) Universitas Pendidikan Indonesia

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Correspondence

Author:

Angga

Fadzar ||  anggafadzar21@upi.edu

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Abstract: Corruption is a serious crime that has a widespread impact on the state and society. However, law enforcement efforts still face various structural and implementation obstacles, such as weak deterrent effects, political intervention, and inconsistent court decisions. This study aims to explore the relationship between the concepts of *hudud* and *ta'zir* in Islamic criminal law and efforts to combat corruption within the framework of modern law. The research method used is qualitative through literature review, examining classical fiqh texts, national legislation, and relevant scientific literature. The results of the study indicate that corruption does not fall under the category of *hudud* because it does not meet the technical and substantive requirements determined by sharia. However, corruption can be classified as a *ta'zir* crime, which gives judges or authorities the flexibility to impose penalties based on the severity of the crime, ranging from fines, asset recovery, removal from office, to the death penalty in cases that cause widespread harm to the state. Compared to Indonesia's positive legal system, which tends to be weak in enforcing strict sanctions, the principles of *ta'zir* are considered more responsive and adaptive. Therefore, this finding recommends that the principles of *ta'zir* be used as a normative and philosophical reference in the formulation of national legal policies to create a more fair, strict, and socially just system for enforcing anti-corruption laws.

Kata Kunci:

*Hudud, Ta'zir, Korupsi
 Hukum Islam, Penegakan
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Abstrak: Korupsi merupakan tindak kejahatan serius yang menimbulkan dampak luas terhadap negara dan masyarakat. Namun, upaya penegakan hukumnya masih dihadapkan pada berbagai hambatan struktural dan implementatif, seperti lemahnya efek jera, intervensi politik, dan inkonsistensi putusan pengadilan. Penelitian ini bertujuan mengeksplorasi keterkaitan antara konsep hudud dan ta'zir dalam hukum pidana Islam dengan upaya pemberantasan korupsi dalam kerangka hukum modern. Metode penelitian yang digunakan adalah kualitatif melalui studi literatur, dengan menelaah kitab-kitab fikih klasik, peraturan perundang-undangan nasional, serta literatur ilmiah yang relevan. Hasil penelitian menunjukkan bahwa korupsi tidak termasuk dalam kategori hudud karena tidak memenuhi syarat teknis maupun substansi yang ditentukan syariat. Namun, korupsi dapat diklasifikasikan sebagai jarimah ta'zir, yang memberikan ruang kepada hakim atau penguasa untuk menjatuhkan hukuman secara fleksibel berdasarkan tingkat kejahatan, mulai dari denda, pengembalian aset, pencabutan jabatan, hingga hukuman mati dalam kasus yang merugikan negara secara luas. Perbandingan dengan sistem hukum positif di Indonesia yang cenderung lemah dalam penerapan sanksi tegas, prinsip-prinsip dalam ta'zir dinilai lebih responsif dan adaptif. Sehingga temuan ini merekomendasikan agar prinsip ta'zir dijadikan rujukan normatif dan filosofis dalam pembentukan kebijakan hukum nasional, guna menciptakan sistem penegakan hukum korupsi yang lebih adil, tegas, dan berkeadilan sosial.

INTRODUCTION

The practice of corruption in Indonesia has become a common problem that has resulted in the order of government and worsened the country's socio-economic conditions. Corruption is not only in the government sector, but also involves the private sector and various levels of society, ranging from high-ranking officials to lower-level civil servants who cooperate with private parties in the abuse of authority for personal gain. One of the detrimental impacts, such as hampering economic growth due to misuse of development resources, reducing public trust in the government, and exacerbating existing social inequality. ¹The solution to this corruption crime has been carried out in various ways, such as establishing an independent institution, the Corruption Eradication Commission (KPK), creating a

¹ Pandu Wibangsa et al., "Penegakan Hukum Dan Pemberantasan Tindak Pidana Korupsi di Indonesia," *Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 3 (2025): 82–93.

Corruption Criminal Court (Tipikor), implementing laws on corruption crimes, and initiating anti-corruption movement education. However, these efforts have not been fully successful in eradicating corruption in Indonesia.

According to the latest data from Transparency International, Indonesia's Corruption Perception Index (CPI) in 2023 stood at 34 out of 100, ranking 110 out of 180 countries, marking a decline from the previous year.² This indicates weak law enforcement and integrity in the bureaucracy. In addition, Indonesia Corruption Watch (ICW) noted that throughout 2023, there were more than 580 corruption cases handled by law enforcement officials, with state losses reaching more than 60 trillion rupiah.³

Ideally, criminal law theory recommends that the law should be able to be an effective prevention and prosecution of corruption through strict, fair, and deterrent sanctions. However, in practice, law enforcement in the field is often not in line with this theory. For example, the tin corruption case committed by Harvey Moeis that cost the state up to 271 trillion is an example of the weak application of the law. This case severely harmed the country's economy and damaged the legal system. The verdict issued sentenced him to 20 years in prison. The verdict is very incompatible with the 271 trillion loss. The weakness of positive law in tackling corruption can be seen from the weak deterrent effect due to sentences that are often too light or even reduced through remissions and parole policies. In addition, inconsistency in the application of the law is also a problem, where corruption cases are often handled with different standards depending on the political influence and economic power of the perpetrators. As a result, the law, which is supposed to be a tool to uphold justice, often loses its effectiveness in combating corruption.⁴

The two main principles of Islamic criminal law are the concepts of *hudud* and *ta'zir*, which are used to sanction violations of the law. *Hudud* is a type of punishment whose provisions are described in detail in the Qur'an and Hadith. While *ta'zir* is a punishment that exists by the judge or leader based on profit, and can be changed. The principle of *Ta'zir* through the context of corruption eradication, provides room for the government to establish more severe sanctions in order to create a deterrent effect for perpetrators, such as the death penalty or total confiscation of corruption proceeds.⁵ This is in contrast to positive law, which is often compromised, with sentences that can be reduced through remissions or parole policies.

² Nanang T Puspito, "Pendidikan Antikorupsi Di Perguruan Tinggi Sebagai Bagian Dari Nation and Character Building," *Jurnal Persatuan Nasional*, 2024.

³ Muhammad Axel Putra and Ade Adhari, "Perubahan Pidana Minimal Khusus Terhadap Delik Korupsi Dalam Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana," *UNES Law Review* 6, no. 16100 (2023): 1–345.

⁴ Monica Rizki, "Efektivitas Sanksi Pidana Terhadap Upaya Pencegahan Tindak Pidana Korupsi di Indonesia," 2024.

⁵ Zahra Rizki, "Politik Hukum Pemberian Grasi Dalam Kasus Penyalahgunaan Narkotika Dalam Perspektif Siyasah Syariyyah," 2025.

Furthermore, in Islamic law, justice is served regardless of social status or power, which can serve as an alternative to address the inequality of corruption law enforcement that is often caused by economic and political interests.

However, the application of *hudud* and *ta'zir* in modern legal systems faces various challenges and obstacles, such as differences in prevailing legal systems, resistance to Islamic law in countries with secular legal systems, as well as debates over human rights in the application of stricter sanctions. In addition, non-uniformity in the interpretation of Islamic law is also an obstacle to the universal application of this concept. Based on the perspective in Islam, the eradication of corruption is in line with the instructions conveyed by Allah SWT in verse 188 of Surah Al-Baqarah. The verse emphasizes the prohibition against the practice of bribery and abuse of authority for personal gain. In addition, the Prophet Muhammad said in the hadith narrated by Ahmad and Al-Baihaqi. One of the contents of this hadith shows that corrupt practices harm the state and bring the wrath of Allah SWT.

In a study entitled "The Relevance of Article 5 of the Universal Declaration of Human Rights and the Qur'an; Historical Construction of Islamic Crimes" conducted by Pratama et al., 2024 aims to assess the effectiveness of political disenfranchisement in the Indonesian legal system and how the principles of *siyasah shari'iyah* can be the basis for a fairer legal policy.⁶ The research is different from the author's research because it focuses on the relevance of the concepts of *hudud* and *ta'zir* in Islamic law as an alternative in enforcing corruption law which aims to explore how principles in Islamic law can be applied to increase the deterrent effect for corruption offenders in Indonesia. Another research by Marpaung in 2019 entitled "The Death Penalty Policy for Corruption Offenders in the Perspective of Islamic Criminal Law."⁷ The research highlights that corruption is a *jarimah ta'zir* which allows the imposition of the death penalty if it is seen as a crime that seriously threatens public interests. Marpaung emphasized the urgency of applying the death penalty as a legal penal measure according to Islamic law and Indonesian legislation to provide a deterrent effect for perpetrators of serious corruption. In contrast to these studies, this research examines more deeply the relevance of the principles of *hudud* and *ta'zir* in the positive legal system in Indonesia, as well as how these principles can be integrated as an alternative in strengthening the deterrent effect in combating corruption.

This research discusses the relevance of *hudud* and *ta'zir* in corruption law enforcement in Indonesia. This study will explore how the principles of Islamic criminal law can contribute to strengthening the effectiveness of positive law in eradicating corruption, especially in the aspect of providing stricter and more just

⁶ Brilyan Yudha Pratama, Tajul Arifin, and Ine Fauzia, "Relevansi Pasal 5 Deklarasi Universal Hak Asasi Manusia Dan Al- Qur'an; Kontruksi Historis Pidana Islam," *Jurnal Perundang Undangan Dan Hukum Pidana Islam* 10, no. 1 (2024): 67–84.

⁷ Zaid Alfauza Marpaung, "Kebijakan Hukuman Mati Bagi Pelaku Tindak Pidana Korupsi Dalam Perspektif Hukum Pidana Islam," *Jurnal Ilmiah "Advokasi"* 07, no. 01 (2019).

sanctions. Systematically, the author will discuss the concepts of *hudud* and *ta'zir* in Islamic criminal law enforcement, corruption through the perspective of Islamic and positive law, and analysis of the effectiveness of *hudud* and *ta'zir* in corruption law enforcement. The research findings are expected to be useful in terms of academics, practice, and policy makers.

RESEARCH METHOD

This research uses a qualitative method with a juridical-normative approach, which is an approach that examines the applicable legal rules and principles of Islamic law through literature studies.⁸ The purpose of this approach is to understand and analyze the relevance of the concepts of *hudud* and *ta'zir* in the Islamic criminal law system to corruption crimes, as well as how these concepts can be integrated into the positive legal system in Indonesia to strengthen the effectiveness of law enforcement. The research also adopts normative-theological and comparative legal approaches. The normative-theological approach is used to examine the concepts of *hudud* and *ta'zir* based on the Qur'an, Hadith, and classical and contemporary fiqh books.⁹ While the comparative approach is used to compare these principles with the Indonesian positive legal system, especially in terms of handling corruption cases.

The analysis is carried out using a descriptive-qualitative method, which describes and interprets legal data systematically and critically.¹⁰ The collected data is analyzed to assess the effectiveness, relevance, and potential application of the concepts of *hudud* and *ta'zir* in the context of corruption law enforcement in Indonesia. In addition, the analysis is carried out comparatively to see the similarities and differences between the Islamic legal system and national law, in order to formulate alternative legal solutions that are more assertive and just. Through the practice of this method, it is hoped that the research can provide a comprehensive and in-depth picture of the potential integration of the principles of Islamic criminal law in the Indonesian legal system, especially in the aspect of sanctions and deterrent effects on corruption offenders.

RESULTS AND DISCUSSION

The Concept of *Hudud* and *Ta'zir* in Islamic Criminal Law

Etymologically, the word *hudud* comes from the term '*ḥadd*' (حَدّ) which means limitation or prohibition. In terms, *hudud* refers to legal provisions that have been patently determined directly by Allah SWT in the revelation of the Qur'an and Sunnah,

⁸ Fahrul Rozi Mokoagow, "Kepatuhan Syariah Dalam Aktivitas Bisnis Perbankan Syariah: Analisis Yuridis Normatif," *Al-'Aqdu: Journal of Islamic Economics Law* 4, no. 1 (2024): 44–53.

⁹ Yeti Sri Maryati and Agus Susilo Saefullah, "Pendidikan Islam Dan Dunia Kerja Dalam Perspektif Ayat dan Hadis," *Jurnal Ilmiah Penelitian Mahasiswa* 3, no. 4 (2025): 404–15.

¹⁰ Wiwin Yuliani, "Metode Penelitian Deskriptif Kualitatif Dalam Perspektif Bimbingan dan Konseling," *QUANTA: Jurnal Kajian Bimbingan dan Konseling Dalam Pendidikan* 1, no. 1 (2017): 1–10, <https://doi.org/10.22460/q.v1i1p1-10.497>.

with the affirmation of sanctions against certain offenses.¹¹ Punishment in the *hudud* category is immutable by humans because it is determined directly by Islamic law to maintain order and justice in society.¹² The purpose of *hudud* law is to maintain public order, uphold justice, and protect the values of religion, soul, offspring, mind, and property.¹³ One of the contents of the hadith by Bukhari and Muslim shows the principle of justice in the implementation of *hudud*, that the law applies to anyone regardless of social status. If correlated with corruption punishment, there is one verse that discusses corruption punishment, as Allah SWT says in surah Al-Ma'idah: 38.

Punishment in the *hudud* category has specific characteristics that distinguish it from other forms of punishment in Islamic law. One of the main characteristics of *hudud* is that the punishment is fixed, which means that it cannot be changed or adjusted at the discretion of the government or judge. This provision has been established in the Qur'an and Hadith, so there is no room for humans to increase, decrease or change the punishment.¹⁴ In addition, the application of *hudud* has very strict standards of proof to ensure that punishments are not imposed arbitrarily or without justice. For example, in the case of adultery, the testimony of 4 fair witnesses who directly saw the act is required. If there is insufficient evidence, then no punishment can be imposed, and even those who accuse without evidence may be subject to the punishment of *qadzaf*. This system is designed to protect individual rights and prevent abuse of the law.

Apart from *hudud*, there is another type of punishment called *ta'zir*. In language, *ta'zir* comes from the word عَزَرَ which means "to prevent" or "to teach a lesson". In terms, *ta'zir* is a punishment for an offense for which there is no in *hudud*, and the form of punishment is not specific in the Qur'an or Hadith.¹⁵ *Ta'zir* is the authority of the leader or judge to determine the punishment based on consideration of the benefit of the people, the condition of the offender, and the social impact of his actions.¹⁶ This punishment aims to provide a deterrent effect, educate, and maintain public order in accordance with the principles of justice in Islam because it does not have fixed limits

¹¹ Nawawi Marhaban and Muhd.Nu'man Idris, "Hudud Dalam Alquran; Historisitas Dan Pengembangan Hukum Islam," *FATHIR: Jurnal Studi Islam* 1, no. 2 (2024): 212–23, <https://doi.org/10.71153/fathir.v1i2.86>.

¹² Reni Surya, "Klasifikasi Tindak Pidana Hudud Dan Sanksinya Dalam," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 2, no. 2 (2018): 530–47, <https://doi.org/10.22373/sjkh.v2i2.4751>.

¹³ Habib Ramadhan Harlis and Zulkarnain, "Perlindungan Hukum Terhadap Pelapor Kasus Peredaran Gelap Narkotika Dalam Perspektif Hukum Islam," *Jurnal Perundang Undangan Dan Hukum Pidana Islam* 7, no. 2 (2024): 53–68, <https://doi.org/10.32505/legalite.v9i1.8663>.

¹⁴ Nur Fauzi Radliatul Fatah and Ulfatun Wahidatun Nisa, "Analisis Dimensi Sosial Dalam Penerapan Hudud," *Journal of Islamic and Occidental Studies* 1, no. 1 (2023): 17–40, <https://doi.org/10.21111/jios.v1i1.4>.

¹⁵ Ahmad Syarbaini, "Konsep Ta'zir Menurut Perspektif Hukum Pidana Islam," *Jurnal Tahqiq* 17, no. 2 (2023): 37–48, <https://doi.org/10.61393/tahqiq.v17i2.167>.

¹⁶ Faisal Yahya et al., "Merebut Tafsiran Otoritatif Keagamaan; Perdebatan Dan Kontroversi Prosesi Hukuman Ta'zir Cambuk Di Lapas Aceh," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 16, no. 1 (2024): 180–94, <https://doi.org/10.32505/jurisprudensi.v16i1.8000>.

like *hudud*, *ta'zir* is flexible which can adjust to mistakes.¹⁷ In a hadith of the Prophet SAW narrated by Ibn Majah, revealed that this hadith is the basis for determining *ta'zir* punishment, the leader must consider justice and avoid injustice. Therefore, *ta'zir* punishment can vary in every place and time, depending on the social situation and policies implemented by the leader or government.¹⁸

Corruption in the Perspective of Islamic Law and Positive Law

Corruption reflects the unlawful use of power for the benefit of certain individuals or groups. Corruption is defined as a crime that includes various forms of irregularities, such as bribery, embezzlement, and abuse of authority that harm the group. Corruption is an act that includes losses to state finances, ill-gotten personal gains, as well as obstacles to clean and transparent governance, which are the effects of unlawful acts.¹⁹ Corruption is considered a prohibited act that violates the values of justice (*Al-'Adl*), honesty (*As-Sidq*), and trustworthiness (*Al-Amanah*). Islam teaches that every individual, especially leaders and public officials, has a moral and legal responsibility to maintain the trust given to them. *Amanah* in Islam is not only a trust, but also an obligation to carry out duties with integrity and without abuse of power.

Allah SWT strictly prohibits all forms of misuse of wealth, including corruption. In surah Al-Baqarah verse 188 emphasizes that obtaining wrongful property, including through bribery, fraud, or abuse of office, is a forbidden act. In addition, the Prophet Muhammad also expressly forbade bribery and cursed those involved in it. Based on hadiths recorded in the works of Abu Dawud and Tirmidzi, it shows that bribery (*riisyah*), which is a form of corruption, not only undermines justice but also brings the wrath of Allah SWT. Officials or leaders who accept bribes are considered to have betrayed their mandate and corrupted the legal system that is supposed to run fairly. Corruption is also associated with betrayal of the public interest.

Analysis of the Effectiveness of *Hudud* and *Ta'zir* in Corruption Law Enforcement

Corruption eradication in Indonesia faces complex and ongoing challenges. One of the main problems is the lack of a deterrent effect, where many perpetrators of corruption after serving their sentences are able to return to politics or business without significant obstacles. Punishments are often disproportionate to the state losses incurred, with some cases even showing that perpetrators of corruption receive special facilities in prison. In addition, systemic corruption is an important obstacle in efforts to eradicate this crime. This abuse of power is not only committed by

¹⁷ Ahmad Syarbaini, "Teori Ta'zir Dalam Hukum Pidana Islam," *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 2, no. 2 (2018): 1–10, <https://doi.org/10.35308/jic.v2i2.967>.

¹⁸ Azhari Akmal Tarigan, "Ta'zir Dan Kewenangan Pemerintah Dalam Penerapannya," *Ahkam: Jurnal Ilmu Syariah* 17, no. 1 (2017), <https://doi.org/10.15408/ajis.v17i1.6223>.

¹⁹ Rudy, Usman, and Helmi, "Pengembalian Kerugian Negara Dalam Tindak Pidana Korupsi Aparatur Pemerintah Desa Berdasarkan Undang-Undang Nomor 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi," *Hangoluan Law Review* 3, no. November (2024): 545–74.

individuals, but has also become an inherent part of the bureaucratic system, government, and even law enforcement agencies.²⁰ In some cases, legal officers who are supposed to uphold justice are involved in corrupt practices, whether through bribery, extortion, or manipulation of the law to protect certain parties. Political interference is also a major challenge in the legal justice of corruption in Indonesia. Corruption cases involving important officials or influential politicians are not prosecuted optimally due to political pressure or conflicts of interest. This makes law enforcement not run independently, so people often lose confidence in the justice system.

Islamic law offers a solution in the eradication of corruption through the mechanisms of *hudud* and *ta'zir*, which have preventive and repressive properties. In the preventive aspect, Islam instills the values of honesty, trustworthiness, and fear of Allah as the ultimate supervisor of every human action. The concept of *hisbah* or supervision in Islam also emphasizes a strict social control system so that individuals are not easily tempted to commit corruption. In addition, the provision of basic rights and equitable welfare for the community can reduce a person's urge to commit corruption for personal gain. In the repressive aspect, Islamic law imposes strict sanctions on perpetrators of corruption.

In this study, corruption is not included in the *hudud* category because it does not have a fixed penalty limit, this crime can be punished through *ta'zir*. Corruption is not included in the *hudud* category because this crime does not meet the main characteristics of a criminal offense that has a fixed penalty in the Qur'an and Hadith. *Hudud* is applied to crimes that have a fixed limit of punishment (*had*) that cannot be changed, such as theft (*sariqah*), adultery (*zina*), drinking *alcohol*, and robbery (*hirabah*). The conditions for theft that are subject to *hudud* punishment, namely the element of taking property directly and meeting a certain *nisab*. Meanwhile, corruption is closer to a form of embezzlement or abuse of office, which has a wider mechanism and impact and is not always done by directly taking other people's property. Moreover, in corruption there are elements of abuse of authority, collusion, or administrative manipulation that are difficult to prove with strict standards such as in *hudud* cases. So based on the context analysis, corruption is included in the *ta'zir* category, where the punishment is flexible and determined by the judge according to the level of the crime committed. This approach allows the ruler or judge to apply more effective punishments, ranging from the return of corrupted property, fines, revocation of office, to the death penalty for cases that are very detrimental to the state and society.

In the Islamic legal system, *ta'zir* provides flexibility in determining the punishment for perpetrators of corruption based on the level of the crime committed.

²⁰ Efraim Abigail Bukit and Yasmirah Mandasari Saragih, "Pengaruh Kebijakan Legislatif Dalam Upaya Menanggulangi Tindak Pidana Korupsi Di Indonesia Universitas Pembangunan Panca Budi , Indonesia," *Jurnal Ilmu Hukum Dan Administrasi Negara* 3 (2025): 191–97.

The punishment for the perpetrators does not have a fixed limit because corruption is not included in the *hudud* category, so the judge or government is authorized to determine sanctions in accordance with the impact and level of the crime committed. The basic principle in *ta'zir* emphasizes the importance of maintaining the benefit of the people, so that the type of punishment imposed must be able to cause a deterrent effect and prevent the recurrence of similar crimes in the future. The form of punishment in *ta'zir* can vary, ranging from fines, return of corrupted property, revocation of office rights, to imprisonment for corruptors who harm the state in large amounts. In more severe cases where corruption causes great harm to society, such as hampering public services, undermining government systems, or causing loss of life due to corruption in infrastructure and health projects, the punishment can be more severe. In some extreme cases, Islam even allows the death penalty for criminals who are proven to have committed crimes with widespread impact and undermine the stability of the state.

The *ta'zir* system in Islam and punishment in Indonesian positive law have differences in approach and effectiveness in dealing with corruption cases. *Ta'zir* provides flexibility for judges or rulers in determining punishment based on the level of crime and its impact on society, so that the punishment imposed can be adjusted to the social context and crime prevention goals. In cases of corruption that cause huge losses to the state and have far-reaching impacts, the application of severe penalties such as the death penalty can be an option. Some countries with an Islamic legal system have implemented this approach as an effort to provide the maximum deterrent effect and strictly enforce justice.

Although *hudud* is less relevant in the context of corruption because it does not fall into the category of crimes with fixed penalties such as theft or adultery. The authority of the judge or government in determining the punishment based on the impact and level of the crime, *ta'zir* allows the application of more stringent and proportional sanctions, ranging from fines, return of corrupted assets, to severe penalties such as life imprisonment or the death penalty if the impact is very broad. Increasing the effectiveness of law enforcement against corruption in Indonesia can be done through the legal system of Islamic principles, such as enforcing indiscriminate justice, tightening the moral standards of public officials, and applying heavier penalties for high-profile corruptors.

Based on the analysis presented above, the effectiveness in the implementation of *hudud* and *ta'zir* in corruption cases is formulated as described in the following table:

Table 1. Results of *Hudud* & *Ta'zir* Effectiveness Analysis

Aspect	Conditions in Indonesia (Positive Law)	Islamic Law Approach (Hudud & Ta'zir)	Analysis
Deterrent Effect	Weak, many corruptors return to <i>elite</i> positions after release.	<i>Ta'zir</i> provides flexibility to impose severe punishment, including the death penalty.	<i>Ta'zir</i> has the potential to increase the deterrent effect if applied proportionally.
Flexibility of Punishment	Limited and sometimes not proportional to state losses.	<i>Ta'zir</i> allows for variations in punishment (fines, imprisonment, death penalty) according to the impact of the crime.	The <i>ta'zir</i> system is more adaptive in responding to complex crimes such as corruption.
Status of Corruption in Islamic Law	Not specifically distinguished, depending on the article of the law.	Not included in <i>hudud</i> , but included in <i>ta'zir</i> due to the nature of the offense.	<i>Hudud</i> is less relevant for corruption; <i>ta'zir</i> is more legally and socially appropriate.
Barriers to Enforcement	Political interference, systemic corruption and remission	The Islamic system emphasizes justice and <i>hisbah</i> (social supervision).	Islamic law enforcement emphasizes collective justice and preventive values
Preventive Function	Weak, because the moral system and legal education are less than optimal	Islam emphasizes trustworthiness, honesty, and fear of Allah SWT (preventive moral values).	The morality aspect of Islam can strengthen prevention from the root of the problem.
Application of the Death Penalty	Difficult to apply because the article is facultative and procedural in nature	Allowed in <i>ta'zir</i> for severe cases (large losses, destabilizing the state).	Sharia death penalty can be justified if the impact is very serious.

Source: Processed by the author, 2025.

CONCLUSION

This research confirms that the application of the principles of *hudud* and *ta'zir* in Islamic criminal law has a strong relevance in efforts to eradicate corruption in Indonesia. Although corruption does not fall under the category of *hudud* crimes that have fixed penalties based on the Qur'an and Hadith, this crime can be included in the *jarimah ta'zir* category that allows flexibility in the determination of sanctions by judges or rulers. This flexibility includes various forms of punishment ranging from fines, return of corrupted assets, deprivation of political office or rights, to the death penalty in cases that cause great harm to the state and society. The findings also show that although the positive legal system in Indonesia has adequate regulations, it still faces serious challenges in terms of deterrent effects, consistency in the application of sanctions, and the independence of law enforcement agencies. Based on these findings, this study recommends the importance of making the principles of *ta'zir* a normative foundation in the formulation of national legal policies, especially to increase deterrence for perpetrators of serious corruption. The government and policymakers are expected to consider drafting legal instruments that allow the application of more proportional punishments, such as revocation of political rights, progressive fines, and social and moral sanctions. The integration of Islamic values such as honesty, trustworthiness and justice in anti-corruption education also needs to be strengthened as a long-term preventive effort. To broaden the scope of this study, further research can be directed at empirical studies on the perceptions of the public or legal apparatus on the feasibility and effectiveness of the *ta'zir* principle in contemporary legal practice. With a more comprehensive approach, the national legal system is expected to be able to uphold justice more firmly and with dignity in the face of extraordinary crimes such as corruption.

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