



The Legal Sanctions of Corruption Criminal Acts in Indonesia from the Perspective of Abdul Majid An-Najjar's Islamic Legal Philosophy

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Abstract

This article discusses legal sanctions for criminal acts of corruption in Indonesia from the perspective of Abdul Majid An-Najjar's Islamic legal philosophy. Corruption in Indonesia is a serious problem that harms the economy and social justice. This research employs a descriptive-qualitative approach and falls under the category of normative research that examines documents and literature related to legal sanctions for corruption in Indonesia. This study aims to analyze legal sanctions for corruption in Indonesia based on Abdul Majid An-Najjar's Islamic legal philosophy, which emphasizes the principles of justice, equality, and accountability as a foundation for combating corruption. Abdul Majid An-Najjar proposes sanctions that are not only repressive but also educational and effective in providing deterrent effects, using hudud and ta'zir sanctions as a legal basis that aligns with Islamic moral and ethical values. This research also identifies the relevance and challenges of implementing Islamic legal principles in Indonesia's pluralistic legal system, as well as their impact on preventing and eradicating corruption. This study's findings show that applying Islamic legal principles in Indonesia's legal system can contribute to creating a more just and corruption-free legal system.

Keywords: Legal Sanctions; Corruption; Islamic Legal Philosophy; Abdul Majid An-Najjar

Introduction

According to Transparency International Indonesia, "Corruption or bribery (Latin: corruptio from the verb corrumpere, meaning rotten, damaged, to destabilize, to distort, to bribe) is the act of public officials, both politicians and civil servants, as well as other parties involved, who unjustly and illegally misuse the public trust entrusted to them to gain one-sided benefits." According to the Research Manager of Transparency International Indonesia, Wawan Suyatmiko, "Indonesia's Corruption Perceptions Index (CPI) in 2018 was 38, ranking 89th out of 180 countries surveyed. This score increased by one point from 2017. This shows

the positive anti-corruption efforts made by various parties, including the government, the Corruption Eradication Commission (KPK), the business community, and civil society."

Meanwhile, according to the Secretary General of Transparency International Indonesia, Dadang Trisasongko, "Corruption has proven to drive democracy into a vicious circle, where corruption destroys democratic institutions. The political system and democracy must be improved to be immune to corruption, resulting in a higher-quality democracy." Corruption is a form of crime that is not only threatened by positive law (in Indonesia) but also by the existence of corrupt individuals under international law and even in countries that implement Islamic Law. Corruption is a serious issue because this criminal act endangers socio-economic and political development, as well as undermines democratic values. Corruption seriously threatens the stability and security of national and international communities, weakens institutions, democratic values, and justice, and endangers sustainable development and law enforcement (Andi Hamzah, 2007, p. 7).

Across the world, corruption receives more attention than other types of crime. This phenomenon can be understood given the negative impacts this crime generates. Corruption is often tolerated by various parties rather than eradicated, even though it is a type of crime that can affect various interests related to human rights, national ideology, the economy, state finances, national morals, and so on (Saragih et al., 2023). Corruption is a malicious behavior that is difficult to tackle. The difficulty in tackling corruption is evident from the frequent acquittals of defendants whose actions do not correspond to the crime committed. This harms the country and hinders national development. If this continues for a prolonged period, it may eliminate the sense of justice and public trust in laws and regulations. (Sipayung & Wahyudi, 2024)

In Indonesia, public officials remain in power, trying to justify their actions, even though these actions are clearly abuses of power, position, and authority. If the substance and law enforcement apparatus can function effectively, preventing and eradicating corruption could be realized, allowing the misappropriated state funds to be returned, which could prevent the nation from collapsing, especially in economic terms. In national law, the rules and penalties are found in Law No. 31 of 1999 Jo Law No. 20 of 2001 on the eradication of corruption. This law aims to eliminate diverse interpretations and ensure fair treatment in combating corruption by extending provisions regarding the sources of valid evidence, such as "indications" in the form of information that is spoken, sent, or stored electronically (Matiman Prodjohamidjojo, 2009, p. 5).

The material unlawful act in Law No. 31 of 1999 Jo Law No. 20 of 2001 creates a contradiction between the principle of legality in criminal law and the possibility of judges conducting analogy or extensive interpretation. Article 2 paragraph (1) states that no one may be punished or subject to action unless their act has been determined as a crime in the applicable legislation at the time of the act. Paragraph (3) further explains that "the provisions referred to in paragraph 1 do not negate the existence of unwritten law in society that may determine that a person deserves punishment even though their act is not specifically regulated by legislation."

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In Islamic Law, theoretically, corruption is considered a criminal act (jinayah or jarimah) for which the perpetrator is subject to hudud (fixed punishments) and ta'zir (discretionary punishment) (Husain Syahatah, 2005, p. 23). Corruption, in the context of theft (saraqah), etymologically refers to actions taken against others secretly, much like corruption where one unlawfully takes property without the owner's knowledge (the people/citizens) (Muhammad Amin Suma, 2001, p. 111). When public officials commit corruption, they are not subjected to hand-cutting (Qishash), as they also have a stake in it because the corrupt proceeds belong to the state treasury (HMK Barkkry, 1958, p. 64).

In the history of Islamic jurisprudence, the supremacy of law is supported by several factors: first, an independent judiciary. This means the judicial power must be free from any executive interference. Second, amanah (trust) means that judicial power is a trust from Allah SWT. Therefore, before making a decision, judges seek refuge and pray for Allah's pleasure so that the laws applied will be just. Islam's view on corruption (misappropriation of state funds) contrasts with Indonesia's positive criminal law, where embezzlement by officials (Article 415 of the Criminal Code, which has been adopted as a corruption crime in Law No. 20 of 2001) is punishable by more severe penalties (maximum imprisonment) compared to regular embezzlement (Article 372 of the Criminal Code), which carries a maximum penalty of four years or a fine of nine hundred rupiahs (M. Nasihudin Ali, 2020, p. 37-44).

There are also anti-corruption regulations in Malaysia, but corruption is not called korupsi; it is referred to as risywah, which means bribery. Bribery (risywah) in Islamic law is considered a heinous act and a major sin, and Allah curses those who engage in it. As such, the punishment for a corrupt individual falls under ta'zir (discretionary punishment), and only in the context of theft is the punishment hudud (fixed). Ta'zir refers to crimes for which the punishment is not prescribed in the text of the law and is left to the ruler's discretion. However, in imposing sentences that are not specified in the text, the decision must be based on sound reasoning and the judge's conviction to achieve the welfare of society and justice. In national law, Malaysia also enacts regulations through the Anti-Corruption Commission (BPR) to eliminate all forms of corruption and abuse of power prohibited by the laws of Malaysia (Athika Salsabilla Harahap & Febby Mutiara Nelson, 2023, p. 133-154).

For those involved in corruption and collusion in Indonesia, if found guilty and causing harm to the state, their punishment should be commensurate with the extent of their corruption, the trust bestowed upon them, the harm caused, and any additional offenses committed. They may be subject to severe punishment, even the death penalty if necessary, not just the cutting of hands, to deter corruption and restore economic health, as practiced in other countries like China, Japan, and North Korea. However, the issue is that law enforcement and high-ranking officials must set an example by being a clean government free from corruption, so they can eradicate corruption and punish corrupt individuals without bias, as exemplified by Umar bin Abdul Aziz and the Rashidun Caliphs, and as per the Prophet Muhammad's (SAW) teachings, stating that even if his own daughter were to steal, the punishment of cutting hands would still be enforced (M. Nasihudin Ali, 2020, p. 37-44).

Considering that Law No. 31 of 1999 Jo Law No. 20 of 2001 on the Eradication of Corruption does not explicitly regulate sanctions for corruption under Islamic law, corruption remains a legal phenomenon that is increasingly widespread in society. It continues to grow year by year, both in the number of cases and the financial losses to the state, as well as the growing complexity of the crimes committed, which are increasingly systematic and pervasive across all aspects of life.

Islamic jurisprudence scholars have divided criminal acts into three categories: hudud (fixed punishments), qisas (retributive punishment), and ta'zir (discretionary punishment). Corruption falls under the category of ta'zir. Therefore, determining the punishment, including its type, form, and severity, is delegated to the judge by Islamic law. In determining punishment for corrupt individuals, a judge must refer to the goals of Islamic law, the welfare of society, environmental conditions, and the specific circumstances of the corrupt individual, ensuring that the punishment not only serves as a deterrent but also acts as a preventive measure for others (Heru Susetyo, 2022, p. 240-259).

Punishments for corrupt individuals have failed to deter them so far. Therefore, the Indonesian Ulema Council (MUI) recommends the death penalty for corruption offenders. In addition to advocating for the most severe punishment, MUI also proposes that convicted corrupt individuals be sentenced to community service. MUI encourages judges in anti-corruption courts to impose the harshest possible sentences, even the death penalty, on major corruption offenders. Various anti-corruption organizations and activists have also put forward this death penalty proposal. The National Ulama Conference of Nahdlatul Ulama has issued a similar fatwa.

Corruption in Indonesia is a serious problem that threatens economic stability and social justice. Although various prevention and eradication efforts have been made, Indonesia's corruption level remains very high. This phenomenon raises questions about the effectiveness of the existing legal system in addressing corruption. One way to approach this issue is by using the perspective of Islamic legal philosophy, which emphasizes justice, accountability, and equality. Abdul Majid An-Najjar, an Islamic law thinker, offers a view on the application of legal sanctions that are not only repressive but also educational and more effective in producing deterrent effects. This article aims to analyze the relevance and application of Islamic legal sanctions in addressing corruption in Indonesia.

Literature Review

Legal Sanctions

Legal sanctions refer to the penalties or consequences imposed by law for violating legal rules, regulations, or standards. They are the formal responses to unlawful actions and are intended to enforce compliance with the law, maintain public order, and deter future violations. The purpose of legal sanctions is to punish offenders and deter others from committing similar offenses, promote justice, and protect public order and safety. They are based on the principle

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that breaking the law results in consequences, which vary depending on the offense's severity and impact (Ahmad Mathar, 2023, p. 45-58).

Corruption

Corruption refers to the abuse of power or authority, typically by public officials or individuals in positions of trust, for personal gain. It involves actions such as bribery, embezzlement, fraud, or any behavior that undermines the integrity of institutions and laws. In simpler terms, corruption occurs when someone uses their position or influence to gain an unfair advantage, often at the expense of others, the public, or the state. Corruption negatively impacts societies and economies by eroding trust in government institutions, hindering development, and diverting resources that could be used for public welfare. It creates inequality, perpetuates poverty, and undermines the rule of law. It is generally considered both a crime and a moral wrongdoing (Ahmad Syarbaini, 2024, p. 1-14).

Abdul Majid An-Najjar's Islamic Legal Philosophy

Abdul Majid An-Najjar's Islamic Legal Philosophy refers to his ideas and interpretations of Islamic law (Sharia) in relation to justice, ethics, and the functioning of legal systems. An-Najjar was a scholar who contributed significantly to the development and understanding of Islamic jurisprudence, particularly in the context of contemporary issues. In summary, Abdul Majid An-Najjar's Islamic Legal Philosophy advocates for a legal system that is just, ethical, and adaptable, grounded in the principles of Islamic teachings but capable of addressing contemporary challenges. He emphasized the importance of preventing harm, promoting public welfare, and integrating spiritual and legal dimensions for a more holistic approach to justice. His ideas continue to influence Islamic legal thought, particularly in the context of modern legal systems and contemporary societal issues (Faishal Agil Al Munawar, 2021, p. 209-223).

Research Method

This research discusses the legal sanctions of corruption criminal acts in Indonesia from the perspective of Abdul Majid An-Najjar's Islamic legal philosophy. This study falls under the category of normative research as it examines documents and literature related to the legal sanctions of corruption criminal acts in Indonesia. The approach used is descriptive-qualitative, aimed at analyzing the legal sanctions of corruption criminal acts in Indonesia based on the perspective of Abdul Majid An-Najjar's Islamic legal philosophy. This research involves four interconnected stages as a qualitative study: 1. Data collection, 2. Data reduction, 3. Data presentation, and 4. Drawing conclusions or verification (Huberman, 1992). From this, the research aims to provide insights into the legal sanctions of corruption criminal acts in Indonesia from the perspective of Abdul Majid An-Najjar's Islamic legal philosophy.

Result and Discussion

The Meaning of Corruption and Types of Corruption

The word "corruption" comes from the Latin word *corrumpere*, which was adopted by many European languages, such as English as corruption or corrupt, French as corruption, and Dutch as corruptie (or *korruptie*). Hence, if we dare to trace its origins, the term came into the Indonesian language from Dutch, evolving into the word “korupsi” (Andi Hamzah, 2007, p. 4).

In the *Kamus Besar Bahasa Indonesia* (Indonesian Dictionary), corruption is defined as the act of using power for personal gain, such as embezzling money or accepting bribes. A corrupt person is someone who engages in corruption or embezzles state (or company) funds (Departemen Pendidikan Nasional, 2008, p. 756).

In Islamic law, corruption is known by three terms, namely:

1. *Risywah* (رشوة), which refers to something that can achieve a goal through any means to make that goal attainable. The person who gives something to a second party to support the malicious intent of their actions is called *Ar-Raasyi* (الراشي). A mediator or intermediary between the briber and the bribe recipient is called *Ar-Raisyi* (الريشي). The recipient of the bribe is called *Al-Murtasyi* (المرتشي). Therefore, *Risywah* (رشوة) is part of corruption related to bribery, where someone with power or authority is bribed to help achieve the goal of the person offering the bribe. Corruption has damaged every aspect of society's moral structure and justice system. With bribery, justice in legal processes cannot be attained, and a judge's decision may be influenced by monetary influence that can shake the integrity of law enforcement officers.
2. *Al-Ghulul* (الغلول), which refers to the act of embezzling state funds or *baitul mal* (the state treasury), or in Islamic history, it is described as stealing war booty or withholding part of it before it is distributed. The word “ghulul” in hadith texts refers to deception, but other sources explain that *ghulul* is the embezzling of funds related to the state treasury. Acts categorized under *al-ghulul* include: stealing war booty (*ghanimah*), embezzling state funds, and embezzling *zakat* (alms).
3. *Al-Maksu* (المكس), which refers to the practice of collecting taxes or duties that are not rightfully owed and giving them to the wrong party. This act is akin to illegal fees, often occurring when someone is required to pay an arbitrary charge in order to process something, and if they refuse to pay, the official in charge of collecting taxes will make the person's affairs more difficult (Abu Fida' Abdur Rafi', 2004, p. 31-33).

Table 1. Summarizing the Three Terms Related to Corruption in Islamic Law

Term	Arabic Term	Definition	Key Participants	Examples
Risywah	رشوة	Refers to bribery, where something is given to achieve	<i>Ar-Raasyi</i> (the briber), <i>Ar-Raisyi</i> (the intermediary),	Bribing a judge to influence a legal decision,

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		a goal through unethical means, undermining justice.	Al-Murtasyi (the bribe recipient)	bribing officials for favors
Al-Ghulul	الغلول	Refers to embezzling state funds or war booty, including theft or misappropriation of public money or resources.	Embezzlers (those stealing public funds or war booty)	Stealing from the state treasury, embezzling zakat, or withholding war booty
Al-Maksu	المكس	Refers to collecting undue taxes or duties and giving them to the wrong party, often using coercion or exploitation.	Tax collectors (those demanding unfair or arbitrary taxes)	Demanding illegal fees for processing official matters, extorting people

This table summarizes the three forms of corruption, the participants involved, and examples of each practice.

In general, corruption is divided into three aspects, namely:

a) From the typological aspect, corruption is divided into seven different types, namely:

1. Transactive corruption, refers to a mutual agreement between the giver and the receiver for the benefit of both parties.
2. Extortive corruption refers to the coercion of the giver to bribe in order to prevent harm that threatens them, their interests, or the things they value.
3. Investive corruption, is the provision of goods or services without a direct link to a specific gain, other than the anticipated benefits in the future.
4. Nepotistic corruption, is the unlawful appointment of friends or relatives to hold positions in government or actions that give special treatment contrary to the applicable norms and regulations.
5. Defensive corruption, is corruption where the victim is extorted. The corruption is committed in order to protect oneself.
6. Autogenic corruption, is corruption committed by an individual alone.
7. Supportive corruption, is corruption committed to reinforce existing corruption.

b) From the aspect of the process of corruption behavior, corruption is divided into three forms, namely:

1. Graft, is internal corruption. This type of corruption occurs because the individuals have positions and authority in an office. With their authority, subordinates cannot refuse their superior's requests.
2. Bribery, refers to corruption involving others outside of oneself (their institution). This action is done to influence objectivity in decision-making or make decisions that benefit the giver, briber, or the bribed.
3. Nepotism, refers to corruption in the form of decision-making tendencies based not on objective and rational considerations but on “nepotistic” and “familial” considerations.

c) From the nature of the corruption, corruption is divided into two types, namely:

1. Individualistic corruption, refers to deviations committed by one or more individuals in an organization, and develops a mechanism that emerges, disappears, and when the corrupt actor is caught, they will face punishment that may lead to being cornered, ostracized, criticized, or even have their career ended.
2. Systemic corruption, refers to corruption committed by the majority of people within an organization (involving many people) (Muhammad Shoim, 2009, p. 11-20).

Table 2. Summarizing the Three Aspects of Corruption, Based on Typology, Process, and Nature

Aspect	Type	Description
a) Typological Aspect	1. Transactive Corruption	A mutual agreement between the giver and receiver that benefits both parties.
	2. Extortive Corruption	The giver is coerced into bribing to prevent harm or protect their interests.
	3. Investive Corruption	Provision of goods or services with no immediate benefit, but with expectations of future gains.
	4. Nepotistic Corruption	Unlawful appointments of friends or relatives to positions, or giving special treatment contrary to laws and regulations.
	5. Defensive Corruption	Corruption committed to protect oneself from extortion or harm.
	6. Autogenic Corruption	Corruption is committed by an individual alone, without external influence.
	7. Supportive Corruption	Corruption that reinforces or supports existing corruption

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		within an organization or system.
b) Process of Corruption	1. Graft	Internal corruption where individuals use their position and authority to manipulate subordinates.
	2. Bribery	Involves external parties, where the giver offers a bribe to influence decision-making or obtain benefits.
	3. Nepotism	Decision-making based on familial or personal relationships rather than objective and rational considerations.
c) Nature of Corruption	1. Individualistic Corruption	Corruption committed by individuals or a small group within an organization, with consequences like punishment or career end.
	2. Systemic Corruption	Corruption that involves the majority or widespread participation within an organization or system.

This table summarizes the different types of corruption, categorized by their typology, process, and nature.

The Legal Sanctions of Corruption Criminal Acts in Indonesia

The legal sanctions for criminal acts of corruption in Indonesia are governed primarily by the Indonesian Anti-Corruption Law (Law No. 31/1999, as amended by Law No. 20/2001) and other relevant regulations. These laws aim to combat corruption at all levels of government and society and to impose strict legal consequences for those involved in corrupt practices. Here's an overview of the legal sanctions related to corruption in Indonesia:

1. Criminal Sanctions

Corruption in Indonesia is considered a severe criminal offense, and the law provides significant penalties for those convicted of corruption. The criminal sanctions can be divided into the following types:

a. Imprisonment

Convicted individuals may face significant prison sentences depending on the scale of the corruption act. Under Law No. 31/1999, Article 2, any person who commits corruption can face up to 20 years in prison and be liable for a fine of up to IDR 1 billion (around USD 65,000). More severe cases of corruption, especially those involving large sums of money or government funds, may result in longer prison sentences.

b. Fines

In addition to imprisonment, individuals convicted of corruption are often required to pay substantial fines. For instance, individuals convicted under the Anti-Corruption Law may face fines up to IDR 1 billion (USD 65,000) depending on the severity of their actions.

c. Asset Seizure

The law allows for confiscating and confiscating assets acquired through corrupt means. This is particularly important in addressing the economic impact of corruption, as those found guilty are required to return the proceeds of their unlawful activities to the state.

2. Civil Sanctions

a. Return of Illegally Obtained Assets

In addition to criminal penalties, those found guilty of corruption must return any ill-gotten assets to the state. The state can initiate a process to reclaim assets that were obtained through corrupt practices, including money, properties, or other valuables. This helps in compensating the financial loss caused by the corruption.

b. Civil Compensation

In certain cases, the corrupt individual may be required to compensate for the losses incurred by the state or affected parties. This is often pursued in cases of public corruption, where the actions of government officials or public servants harm the community or state institutions.

3. Administrative Sanctions

Corruption cases can also trigger administrative sanctions, especially for government employees or public officials. These sanctions can include:

a. Dismissal from Position

Public servants or government officials convicted of corruption may be dismissed from their positions. This is a key measure to ensure integrity in public offices.

b. Permanent Disqualification

Corrupt individuals may be permanently disqualified from holding public office or any governmental position, ensuring they cannot participate in public service again.

4. Corporate Sanctions

Under certain circumstances, corporations or legal entities involved in corruption may also be held accountable. The law can impose sanctions on companies, including:

a. Fines

Companies found guilty of corruption can face heavy fines.

b. Suspension of Business Operations

Companies involved in corrupt practices can sometimes be temporarily or permanently banned from operating.

5. International Cooperation

Indonesia has also worked with international bodies such as the United Nations and the World Bank to combat corruption that spans national borders. International cooperation is

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often crucial when corrupt practices involve transnational businesses or when individuals who commit corruption flee the country. Indonesia's laws allow for the cooperation with international law enforcement bodies to extradite those involved in corruption from other countries.

The legal sanctions for corruption in Indonesia reflect the seriousness with which the government views corruption as a criminal offense. The laws provide a range of punitive measures, from criminal imprisonment and fines to asset seizure and civil compensation. The effectiveness of these sanctions depends on robust enforcement mechanisms, transparency in legal proceedings, and active collaboration between national and international authorities to curb the rampant problem of corruption (Munawir Sajali, 2023, p. 119-135).

Table 3. Summarizing The Legal Sanctions of Corruption Criminal Acts in Indonesia

Aspect	Legal Framework/Provision	Description
Primary Law on Corruption	Law No. 31/1999 on Corruption Eradication (Amended by Law No. 20/2001)	Defines corruption crimes and outlines penalties for offenders, including imprisonment and fines (Article 2 and 3).
Penalties for Corruption	Article 2, Law No. 31/1999	Imprisonment of up to 20 years and fines up to IDR 1 billion (approx. USD 65,000) for corruption crimes.
Asset Confiscation & Recovery	Article 18, Law No. 31/1999	Convicted individuals must return unlawfully obtained assets, with the state authorized to confiscate corrupt assets.
Administrative Sanctions	Law No. 30/2002 on KPK (Corruption Eradication Commission)	Public servants convicted of corruption may face dismissal and permanent disqualification from holding public office.
International Cooperation	United Nations Convention Against Corruption (UNCAC)	Facilitates international cooperation in the investigation and prosecution of corruption cases. (Article 43, UNCAC).
Corporate Sanctions	Law No. 31/1999, Other Regulations	Companies involved in corruption face penalties, such as fines and suspension of operations, holding them accountable for illegal activities.

This table provides a clear and concise overview of the various legal sanctions related to corruption criminal acts in Indonesia, with references to the specific laws and provisions (Agus Gede Sutamaya, Yudi Kurniawan & Neneng Nurhasanah, 2022, p. 59-77).

The Legal Sanctions of Corruption Criminal Actions from the Perspective of Abdul Majid An-Najjar's Islamic Legal Philosophy

Islamic Legal Philosophy (Maqashid Syari'ah) is "the meanings and wisdoms that are observed and maintained by the shari'ah in every form of its legal determination. This applies not only to certain types of law but also encompasses the general qualities, goals, and meanings of the shari'ah contained in the law, as well as legal meanings that are not comprehensively observed but are safeguarded in many forms of law" (Muhammad al-Tahir bin 'Asyur, 2007, P. 49). Islamic Legal Philosophy (Maqashid Syari'ah) is also "the objectives of the shari'ah and the secrets created by the shari'ah in every legal decree" ('Allal al-Fasi, 1993, P. 7).

Nur al-Din bin Mukhtar al-Khadimi highlights several key components that must be present in Maqashid Al-Syari'ah, including: (1) it must contain a purpose and secrets that are intended to be achieved; (2) shari'ah law; (3) all intended purposes and secrets must lead to the value of obedience or 'ubudiyah (worship) to Allah; (4) these purposes and secrets must bring benefits (maslahah) to humanity in both this world and the hereafter" (Nur al-Din bin Mukhtar al-Khadimi, 2008, P. 14).

Wahbah al-Zuhaili sets the requirements for Maqashid Al-Syari'ah. According to him, something can only be considered as Maqashid Al-Syari'ah if it meets the following four criteria:

1. It must be permanent, meaning the intended meanings must be certain or strongly presumed to be certain.
2. It must be clear, so that the fuqaha (Islamic jurists) will not differ in determining its meaning. For example, the preservation of lineage is the objective of marriage being made lawful.
3. It must be measurable, meaning the meaning must have a clear measurement or limit that cannot be doubted. For example, protecting intellect is the purpose of prohibiting alcohol, and the measurement for this is intoxication.
4. It must be universally applicable, meaning its meaning will not differ based on time or place. For example, the characteristics of Islam and the ability to provide maintenance are requirements for kafa'ah in marriage according to the Maliki school of thought (Wahbah al-Zuhaili, 1986, p. 1018).

According to Abdul Majid An-Najjar, the preservation of wealth (Hifdz Al-Mal) in Islamic Legal Philosophy (Maqashid Syari'ah) is divided into five categories:

1. Preserving wealth through earning and developing it (Hifdz Al-Mal Bi Al-Kasab Wa Al-Tanmiyah) means preserving wealth by investing it to grow and earn profits.
2. Preserving wealth from destruction (Hifdz Al-Mal Min Al-Talaf) means preserving wealth by avoiding damage. The preservation of wealth from destruction (Hifdz Al-Mal Min Al-Talaf) is divided into three categories:
 - a. Preserving wealth from futile or useless destruction (Hifdz Al-Mal Min Al-Talaf Al-'Abatsi) means preserving wealth by avoiding futile or useless destruction.

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- b. Preserving wealth from harmful destruction (Hifdz Al-Mal Min Al-Talaf Al-Mufsid), which means preserving wealth by avoiding destruction that is harmful.
- c. Preserving wealth from excessive or wasteful destruction (Hifdz Al-Mal Min Al-Talaf Al-Sarafi) means preserving wealth by avoiding wasteful or excessive destruction.
3. Preserving wealth by safeguarding ownership rights (Hifdz Al-Mal Bi Himayah Al-Milkiyah) means preserving wealth by protecting ownership rights over immovable property.
4. Preserving wealth by safeguarding its value (Hifdz Al-Mal Bi Himayah Qimatihi) means preserving wealth by maintaining the property's sale value.
5. Preserving wealth through circulation and promotion (Hifdz Al-Mal Bi Al-Tadawul Wa Al-Tarwiji), which means preserving wealth by circulating and promoting it to earn profits (Abdul Majid An-Najjar, 2008, p. 185-206).

The legal sanctions of corruption criminal actions from the perspective of Abdul Majid An-Najjar's Islamic legal philosophy revolve around the application of Islamic principles to combat corruption effectively and justly. Abdul Majid An-Najjar's approach is grounded in the Maqashid al-Shari'ah (Objectives of Islamic Law), which emphasizes the preservation of key human interests, including religion, life, intellect, lineage, and wealth. These goals form the basis for Islamic legal philosophy, and actions like corruption, which harm society's moral and economic fabric, are considered severe violations of these fundamental values.

Abdul Majid An-Najja emphasizes that corruption, particularly in the form of bribery (ar-risywah) and embezzlement (al-ghulul), contradicts the Maqashid al-Shari'ah by violating the principles of justice and integrity. In Islam, corruption is seen as a grave offense that threatens the public good and undermines the system of governance. According to Islamic law, corruption can be punished under two types of sanctions: hadd (fixed punishment) and ta'zir (discretionary punishment). Hadd refers to punishments explicitly defined by the Qur'an and Hadith for specific crimes (e.g., theft, adultery, etc.), and these cannot be altered. However, corruption does not fall under the hadd category, as no specific punishment for corruption is mentioned in the texts. Ta'zir applies to offenses where the punishment is not explicitly defined. In the case of corruption, which harms public welfare, the punishment can be discretionary and decided by the legal authorities based on the severity of the crime (Abdul Majid An-Najjar, 2008, p. 185-206).

Abdul Majid An-Najjar outlines five categories for preserving wealth (Hifdz al-Mal), all of which are violated by corruption. These categories include:

1. Hifdz al-Mal Bi al-Kasab wa al-Tanmiyah (Preserving wealth through earning and developing it): Corruption distorts this category by unlawfully taking resources that should benefit the public.
2. Hifdz al-Mal Min al-Talaf (Preserving wealth from destruction): Corruption wastes public funds, which is a form of destruction.

3. Hifdz al-Mal Bi Himayah al-Milkiyah (Preserving wealth by safeguarding ownership): Corruption often involves illegally appropriating public or private property.
4. Hifdz al-Mal Bi Himayah Qimatihi (Preserving wealth by maintaining its value): Corruption devalues public resources and assets.
5. Hifdz al-Mal Bi al-Tadawul wa al-Tarwiji (Preserving wealth through circulation and promotion): Corruption prevents the fair distribution and circulation of wealth within society (Faishal Agil Al Munawar, 2021, p. 209-223).

Table 4. Outlining the Five Categories for Preserving Wealth (Hifdz al-Mal) and How Each Category is violated by Corruption

Category	Description	Violation by Corruption
1. Hifdz al-Mal Bi al-Kasab wa al-Tanmiyah	Preserving wealth through earning and developing it.	Corruption distorts this by unlawfully taking resources that should be used for public benefit.
2. Hifdz al-Mal Min al-Talaf	Preserving wealth from destruction.	Corruption wastes public funds, leading to destruction and misallocation of resources.
3. Hifdz al-Mal Bi Himayah al-Milkiyah	Preserving wealth by safeguarding ownership.	Corruption often leads to the illegal appropriation of public or private property, violating ownership rights.
4. Hifdz al-Mal Bi Himayah Qimatihi	Preserving wealth by maintaining its value.	Corruption devalues public resources and assets through mismanagement or exploitation.
5. Hifdz al-Mal Bi al-Tadawul wa al-Tarwiji	Preserving wealth through circulation and promotion.	Corruption prevents the fair distribution and circulation of wealth within society, favoring certain individuals or groups.

This table summarizes Abdul Majid An-Najjar's five categories for preserving wealth and explains how corruption undermines each of them. Abdul Majid An-Najjar stresses that Islamic legal sanctions aim to achieve justice, accountability, and moral rectitude. Corruption, being a major moral and economic crime, disrupts these values. Therefore, the punishment for corruption should not only serve as a deterrent but also provide an opportunity for the individual to repent and reform. For Abdul Majid An-Najjar, the implementation of Islamic legal sanctions against corruption is a tool for social and legal reform. By incorporating Islamic principles of justice and fairness, legal systems can develop more effective measures for preventing and punishing corruption. Although the implementation of Islamic sanctions in a pluralistic society like Indonesia may face challenges due to the diversity of legal and cultural norms, Abdul Majid An-Najjar's ideas remain relevant and can contribute to a more morally grounded legal system.

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In Abdul Majid An-Najjar's Islamic legal philosophy, corruption is viewed as a severe violation of the principles that Islam seeks to protect. Legal sanctions for corruption, such as ta'zir, are necessary to ensure justice, uphold moral values, and protect society's welfare. An-Najjar's approach calls for a legal system that integrates Islamic principles of justice, accountability, and fairness, offering an alternative path to addressing corruption in a manner that aligns with Islamic values and contributes to social and legal reform (Abdul Majid An-Najjar, 2008, p. 185-206).

Corruption in Islamic jurisprudence or law is most commonly referred to as Rishwah (رشوة), which is defined as something paid to achieve worldly goals instantly. Its ruling is considered haram (forbidden) with no disagreement among the scholars of various Islamic schools of thought, and it is regarded as one of the major sins. It is haram to both demand and give bribes and accept them, just as it is forbidden for someone to act as an intermediary between the giver and the recipient of a bribe. The prohibition of bribery is emphasized in the Qur'an, specifically in Surah Al-Baqarah (2:188) and Surah Al-Maidah (5:42), as well as in the Hadith of the Prophet Muhammad (SAW), where he curses both the giver and the receiver of a bribe.

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنتُمْ تَعْلَمُونَ

"And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]." (Qur'an 2:188).

سَمْعُونَ لِلْكَذِبِ أَكْلُونَ لِّلْسُحْرِ فَإِنْ جَاءُوكَ فَاحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ وَإِنْ تُعْرِضْ عَنْهُمْ فَلَنْ يَضُرُّوكَ شَيْئًا وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُم بِالْقِسْطِ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

"Listeners to lies, eaters of unlawful gain. If they come to you for judgment, either judge between them or turn away from them. If you turn away from them, they will never harm you. But if you judge, judge between them with justice. Indeed, Allah loves those who act justly." (Qur'an 5:42).

رَوَى عَبْدُ اللَّهِ بْنُ عَمْرِو قَالَ: لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّاشِيَّ وَالْمُرْتَشِيَّ (رواه الترمذي)

"Abdullah bin Amr narrated, saying: The Messenger of Allah (peace be upon him) cursed both the giver and the receiver of bribes." (Sunan Tirmidhi).

Corruption is a form of crime against property. Just as crimes against the five fundamental pillars of human life are considered serious offenses, corruption falls under the category of crimes that must be sanctioned. Corruption is highly detrimental to individuals, society, and the state. The impact of corruption spreads far and wide, affecting societal morals (al-akhlak al-karimah) and the life of the nation and state.

From any perspective, corruption is undeniably unjustifiable. Therefore, corruption is inherently wrong. In Islamic law, a sinful or wrong act is called Jinayah, or more specifically, Jarimah. Jarimah refers to an act prohibited by Islamic law because it causes harm to life, religion, property, lineage, and intellect. Such acts may be subject to hadd (fixed punishment)

or ta'zir (discretionary punishment). The difference between hadd and ta'zir is that hadd refers to punishments whose terms are explicitly determined by religious texts, while ta'zir allows the ruler or authority to decide the punishment (Agus Gede Sutamaya, Yudi Kurniawan & Neneng Nurhasanah, 2022, p. 59-77).

Corruption is primarily viewed as a criminal act that fundamentally contradicts religious ethics and morality. As such, the criminal sanction for corruption is ta'zir, a punishment determined based on the discretion of the relevant authorities in society. Islamic jurists have unanimously agreed that corruption is haram (forbidden) and prohibited because it contravenes the Maqashid al-Shari'ah. Corruption is categorized as a financial crime (jarimah maliyah), which involves three key elements: 1) tasharruf, meaning actions involving taking, receiving, or giving; 2) betrayal of public trust, particularly related to power; 3) harm inflicted upon the public or society at large.

The Indonesian Ulema Council (MUI) issued a fatwa in 2001 addressing al-ghulul (corruption), ar-risywah (bribery), and gifts for officials. The fatwa emphasized that corruption and bribery are strictly prohibited in Islam. It also recommended avoiding the practice of gifting officials, as they already receive compensation and facilities from the state for their duties. This fatwa was further supported by the opinions of NU scholars during the National Conference of Nahdlatul Ulama (Munas NU). The 2002 Munas NU also recommended prohibiting gifts to officials beyond reasonable limits, as it could violate their oath of office and potentially constitute ar-risywah (bribery) or al-ghulul (corruption). According to NU scholars, ar-risywah could turn right into wrong, while al-ghulul is distinct from ar-risywah in that it involves taking funds that should be allocated to the state but are instead kept for personal gain. The issue of gifts has become relevant due to the fact that the Corruption Eradication Commission (KPKPN) has frequently encountered officials returning forms disclosing their wealth, which is often reported as gifts.

In conclusion, Abdul Majid An-Najjar emphasizes the importance of implementing legal sanctions that are not only repressive but also educational and capable of providing a deep deterrent effect. According to Abdul Majid An-Najjar, sanctions in Islamic law, such as hudud and ta'zir, have the potential to create a more just legal system that aligns with Islamic moral and ethical values. Hudud is applied to serious offenses, while ta'zir can be used for lighter offenses that still harm society, such as corruption. The main challenge in implementing Islamic legal sanctions in Indonesia lies in the pluralistic legal system, as Indonesia is diverse in religion and culture. However, the principles of justice, accountability, and equality in Islamic law remain relevant and could contribute to the Indonesian legal system with appropriate adjustments to align with prevailing legal norms.

Conclusion

Corruption, from the perspective of Islamic Legal Philosophy (Maqashid Syari'ah) according to Abdul Majid An-Najjar, is an act of acquiring wealth in a haram way, which contradicts one of the primary goals of Maqashid Syari'ah, namely the protection of wealth (Hifdz Al-Mal). This involves the act of diminishing someone else's wealth (Idha'ah Al-Mal)

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and damaging the five categories of preserving wealth (Hifdz Al-Mal), which are: preserving wealth by acquiring and developing it (Hifdz Al-Mal Bi Al-Kasab Wa Al-Tanmiyah), protecting wealth from destruction (Hifdz Al-Mal Min Al-Talaf), protecting wealth by safeguarding ownership rights (Hifdz Al-Mal Bi Himayah Al-Milkiyah), protecting wealth by maintaining its value (Hifdz Al-Mal Bi Himayah Qimatihi), and protecting wealth through circulation and promotion (Hifdz Al-Mal Bi Al-Tadawul Wa Al-Tarwiji). The punishment for corruption must be determined based on the *maslahah* (public welfare) principle or *Maqashid Syari'ah*.

Applying Islamic legal sanctions to address corruption offenses in Indonesia, as viewed by Abdul Majid An-Najjar, can offer a more effective and educational alternative. Islamic law, which emphasizes justice and accountability, could serve as a foundation for reforming Indonesia's legal system to focus more on morality and ethics. Although there are challenges in its implementation, particularly related to the pluralism of laws in Indonesia, the principles of Islamic law remain relevant and can contribute to the efforts to prevent and combat corruption. Therefore, further studies are needed on how Islamic law can be adapted into Indonesia's legal system to create a more just society that is free from corruption.

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