



Corruption Crimes in Indonesia: A Comparative Study

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Abstract:

Corruption signifies a significant deviation from the concept of justice (*al 'adalah*). This leads to numerous negative consequences, significantly disrupting both governmental and societal frameworks, and is considered an act of *fasad*, which is condemned by Allah SWT. However, in certain Islamic countries, the incidence of corruption continues to increase. This research adopted a normative methodology by analyzing a range of legal documents relevant to the study's focus. The analysis revealed that corruption in Indonesia remains a significant challenge, as reflected by the country's Corruption Perceptions Index (CPI) score of 34 out of 100, ranking it 99th among 180 nations. To combat this persistent issue, the Indonesian government has implemented Law No. 20 of 2001 on the Eradication of Corruption. It has established the Corruption Eradication Commission, a specialized body dedicated to addressing corruption. The regulation's inclusion of the death penalty and life imprisonment has not effectively deterred corruption, as the number of these offenses continues to increase in Indonesia. Islamic law identifies various forms of corruption, including *Risywah*, *Ghulul*, betrayal of trust, *Ghasab*, and *Al-Maks*, or illegal levies. The punishment for those found guilty of corruption is *ta'zir*, a discretionary penalty determined by the governing authority (*ulil amri*) since the Qur'an and Sunnah do not specify exact sanctions. In the context of *ta'zir* punishment, individuals convicted of corruption may be subject to the death penalty, contingent upon the government's discretion and the severity of the crime's impact. The comprehensive application of Islamic law has the potential to reduce the incidence of corruption within a nation significantly.

Keywords: Corruption, Crimes, Indonesia, Comparative Study

INTRODUCTION

Corruption has been endemic for many years and has become a disease that eats away from economic, legal, social, and political life. In the history of Egypt, Babylon, Hebrew, India, China, and Rome until medieval times, priests extorted their people on the grounds of having to sacrifice their gods (Syihab & Hatta, 2022). Generals of the Roman Empire extorted their colonies to enrich themselves and their groups. In medieval times, many nobles were corrupt in the courts of Kings in Europe (Amarandei, 2018).

To obtain wealth, people no longer care which assets are sourced from illegitimate (*haram*) and which assets are sourced from halal ways in accordance with the guidance of Shari'ah. This has been mentioned in the hadith of the prophet narrated by Imam Bukhari:

"Abu Hurairah (may Allah be pleased with him) reported that the Messenger of Allah (peace and blessings of Allah be upon him) said: "There will come a time when people will no longer care where they get their wealth from, whether it is halal or haram. " (H.R. Bukhari and An Nasai).

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Among the forms of muamalah that contain injustice against many people is corrupt behavior. This jarimah is a forbidden act that includes major sins that can cause economic, political, and social destruction in a country. Corruption is clear evidence of weak religious commitment, rampant moral decay, and misappropriation of behavior in a country's society (Yunus, 2021). Today, corrupt culture has spread in all aspects and lines of human life, so corrupt behavior has become a culture in governance.

Corruption is on the rise in various Asian nations, with Indonesia as a notable example. In 2017, the Indonesian National Police institution addressed 216 corruption cases involving 436 individuals as suspects. These cases led to state financial losses of IDR 1.6 trillion, while the total value of the bribes reached IDR 975 million. In 2017, the Attorney General's Office of the Republic of Indonesia addressed 315 corruption cases involving 730 suspects, resulting in state losses of IDR 4.4 trillion, with bribes totaling IDR 21.8 billion. Concurrently, the Corruption Eradication Commission (KPK) managed 44 corruption cases involving 128 suspects, with state losses reaching IDR 209.7 billion and bribes of IDR 188.3 billion (Indonesia Corruption Watch, 2018b).

When associated with the contestation of Regional Head Elections (Pilkada), corrupt practices are caused by the struggle for power or the perpetuation of power. Based on the records of the Indonesia Corruption Watch (ICW), from 2010-2017 there were 215 regional heads became suspects of corruption cases handled by the KPK, police, and prosecutor's office (Indonesia Corruption Watch, 2018a). These cases occurred in various modes, such as project budget games, budget approval bribes, corruption in the procurement of goods and services, licensing bribes, and case-handling bribes involving regional officials. This is a high number, and it is predicted that this number will continue to increase in 2018.

Almost all regions in Indonesia, at the level of central, provincial, district, and city governments, have corrupt practices with almost the same modus operandi. Romli Atmasasmita said that corruption in Indonesia is caused by the flu virus that has spread throughout the government system since the 1960s. In addition to enriching themselves, their families, and their cronies, the most important goal of corrupt practices is to perpetuate their power. Therefore, the phenomenon of family dynasty politics developed when all sectors of government, both in the legislative and executive branches, were controlled by a particular group or party.

Poor corruption performance in Indonesia can be observed in Indonesia's poor corruption perception index (CPI). According to Transparency International (TI), Indonesia's CPI in 2017 remained unchanged at 37, on a scale of 0-100. However, in 2018, Indonesia's CPI increased by one point to 38, resulting in a change in its ranking by seven positions, placing it in the 89th position out of 180 countries. In 2023, Indonesia's Corruption Perception Index experienced a slight increase, with the country achieving a score of 34 out of 100. This places Indonesia in the 115th position among the 180 countries surveyed (Transparency International, 2022). In 2024, Indonesia's CPI remained at 34 of 100. Despite a change from the previous year, Indonesia continues to rank 99th out of 180 countries, indicating positive progress in the development of corruption eradication efforts (Tessa Mahardhika, 2024).



Figure 1. Indonesia's Corruption Perception Index (CPI) in 2024

To tackle corruption in Indonesia, the government issued Law No. 31 of 1999 concerning the Eradication of Corruption. It established the Corruption Eradication Commission (KPK) as a special institution to deal with corruption, based on Law No. 19 of 2019 concerning the Second Amendment to Law No. 30 of 2002 concerning the Corruption Eradication Commission. Although both laws impose severe penalties, corruption in Indonesia continues to grow with various *modus operandis*. The failure of positive criminal law to deal with corruption in various countries has encouraged the government to study and adopt Islamic law that comes from Allah SWT to overcome corruption in the country. Islamic law, especially Islamic criminal law (*jinayat*), does not only provide justice to victims, but Islamic law becomes "*rahmatan lil alamin*" for all parties so that Islamic law provides justice to perpetrators, victims, and society. Therefore, this study aims to describe and analyze corruption from the perspective of Islamic law.

METHODS

This study was normative or doctrinal research. According to Parise, doctrinal research is a systematic presentation or explanation of regulations-specific laws, analysis of the relationships between legal principles, explaining various difficulties in the implementation of the law, and predicting the development of law in the future (Mukti, 2010). Parise also mentioned that doctrinal research is library-based, documentation, or pure theoretical research where the necessary data are sourced from libraries or other scientific databases (Mukti, 2010). This research uses a legal approach and a comparative law approach, which is used to examine issues related to corrupt cities. In contrast, the comparative approach is a study of the relationship between the legal systems of a country or comparing the legislation between different legal systems that exist in the world (Christiani, 2016). Although this research does not specifically compare Islamic criminal law with Indonesian criminal law, the author compares the two laws, particularly in relation to the comparison of corruption offenses according to Islamic criminal law and Indonesian criminal law.

RESULTS

Definition of Corruption Crime

The term corruption comes from Latin, namely *corruption* or *corrumpere*. Etymologically, in Latin, the word "corruption" means rotten, damaged, to undermine, to reverse, and to bribe. Whereas in English, the word corrupt means people who engage in corruption have the desire to commit fraud unlawfully to gain personal benefits (Grigorius, 2021). Robert Klitgaard defines "corruption as the abuse of public power for private benefit," corruption as the misuse of public power for personal gain, and corruption as collecting money for services that should have been provided or using authority to achieve unlawful goals (Cuervo-Cazurra, 2006).

Moreover, other terms have been created and developed by several countries and are also used to denote the circumstances and acts of corruption. For example, *Gin moun* comes from the Thai language, which means "eat the nation". *Tanwu* comes from the Chinese language, which means "stained greed." *Oshoku* comes from Japanese, meaning "dirty work" (Hamzah, 1986). In Arabic, it is known as *riswah*, which means embezzlement, gluttony, immorality, and deviations from the truth (Munawwir, 1984). In the Malaysian language, corruption is referred to as "*rasuah*," which means giving to pound the ribs or act of bribery or bribery (Dewan Bahasa dan Pustaka, 2002).

Sayyid Husain al-Alatas concluded that corruption would not be free from several specific characteristics, namely (Alatas, 1990): (a) a betrayal of trust, (b) deception against government bodies, private institutions, or the general public; (c) deliberately neglecting public interests for private interests; (d) carried out in secrecy; (e) involving more than one person or party; (f) the existence of mutual obligations and benefits; (g) the centralization of corrupt activities on those who desire certain decisions and those who can influence them; (h) efforts to cover up corrupt acts in the form of legal endorsement; and (i) showing dual functions in each individual who commits corruption.

Corruption in the Qur'an represents forms of criminal actions present in Islam, but their explicit mention is not found in the Qur'an, for example, the term robbery (*al-harb*), theft (*al-sarq*), betrayal (*al-ghulul*), and so on. However, seeing the development of the definition of corruption becoming increasingly varied, these terms also undergo quite significant shifts in meaning. Muhammad bin Salim bin Sa'id Babasil al-Syafi'i stated that among the forms of hand-related sins is *al-ghulul* or betraying with war booty, and this is considered a major sin. In the book *al-Zawajir*, it is explained that *ghulul* is the act of appropriating or separating something done by a soldier, whether he is a leader or not, from the war booty before it is distributed, without first handing it over to the leader to be divided into five parts, even if the appropriated property is only a small amount (Bahri, 2015).

According to Ibn al-Arabi, the third opinion about *ghulul* is treachery in the matter of war booties. Ibn Arabi further explains that it is neither *iglal* nor *islal*. This can be interpreted in two ways: First, *ighlal* means betrayal of the spoils of war. The second, *ighlal* and *islal*, means theft (Bahri, 2015). If etymologically, the word *ghulul* comes from the verb *Ghalala Yaghlilu*, then the *Masdar* or verbal (noun) has several forms, namely *al ghillu*, *al-ghullah*, *al-ghalalu*, or *al-ghalil*, from which Ibn Manzur interprets them as extreme thirst and heat (Rahman, 2019).

According to al-Jazairy, *ghulul* is also a major sin (Arafa, 2018). Meanwhile, Ibn al-'Arabi categorized betrayal in the spoils of war (*ghulul*) as not included in theft (*sariqah*) because before the spoils are distributed to those entitled, they still have a right to the spoils, so it is sufficient to impose *ta'zir*. Prophet Muhammad expanded the meaning of *ghulul* into two forms (Arafa, 2012):

- a. Commission is the act of taking any income beyond the salary that has been given. Regarding this, the Prophet stated, "Whoever I appoint to a position and then give a salary, anything received outside of the salary is *ghulul* (corruption)." HR. Abu Daud. A gift, is a benefit received by someone due to the position that is attached to them. Regarding this matter, the Prophet Muhammad said, "The gifts received by officials are corruption (*ghulul*)." (H.R. Ahmad).
- b. Corruption is the misuse of state, company, or community properties. *Ghulul* is also an abuse of state property because the source of state wealth during the time of the Prophet (SAW) was war booty. Currently, the issue of state funds has evolved beyond *ghanimah* but encompasses all forms of state money. Corruption is committed by relevant officials, just as *ghulul* is a betrayal of office by relevant officials.

Corruption Crimes in the Perspective of Islamic Criminal Law

Corruption is one of the oldest criminal acts in Islamic law. This can be traced through the classical history of Islam, namely, during the time of the Prophet before the revelation of Surah Ali Imran Verse 161. At that time, Muslims lost a red woolen cloth after the war. The woolen cloth, which was the spoil of war, was allegedly taken by the Prophet himself, and the crime of corruption is synonymous with abuse of office, which is defined as treason from an Islamic perspective. The position held by a person is the trust of the people who have already put their hopes into him. Alternatively, a position that is directly charged on behalf of the state aims to run various programs that lead to the welfare of the people.

Additionally, when the mandate involves the legal field, including positions such as law enforcement officers, prosecutors, and judicial officials, the quest for justice is a shared objective among all stakeholders. It is essential that once instituted, the mandate is carried out with the highest level of commitment and efficiency. Allah Swt says in several verses regarding the obligation to carry out the mandate:

"O believers! Do not betray Allah and the Messenger, nor betray your trusts knowingly." (QS. al Anfal (8): 27)

In general, corruption in Islamic law is indicated as a criminal act that is, in principle, contrary to religious morals and ethics; therefore, there is no explicit term stating the term corruption. Thus, the criminal sanction for the crime of corruption is *takzir*, a form of punishment decided at the discretion of authorized institutions in a society.

1. *Ghulul* (Embezzlement)

The narrative concerning the Battle of Uhud includes a notable incident involving the loss of a red woolen cloth. The share at that time was 1/5 for Allah and Messenger and 4/5 for fighters. Usually, the distribution of spoils is given directly to the companions. There was much gossip and rumors of suspicion about the lost treasure, including the Prophet. Worried that this problem would cause slander and prolong, the verse of Surah Ali Imran was revealed: "And it is not fitting for a Prophet to embezzle goods. Whoever embezzles will come on the Day of Judgment with the goods he embezzled".

In Islamic history, there is an exemplary story of Caliph Umar bin Abdul Aziz, who has a guest. He asked his guest whether this was related to personal affairs or state affairs. The guest replied that his arrival was related to personal issues. The Caliph then extinguished the lamp, saying that it belonged to the state and could not be used for personal purposes. Finally, the guest is understood.

2. *Risywah*, (Bribery)

Derived from the word *Rassysa Yarussyu*, which means sprinkling. *Risywah* means giving something with a specific intention to the receiver from the giver. Regarding this *risywah*, the Prophet said, 'Allah curses the briber and the receiver.' (HR Ahmad). In another narration, there is an addition, namely *arra'isy* (broker or broker). Looking at the editorial of the above hadith, it is clear that the law of corruption is haram. Allah condemned those who offered bribes, accepted them, and acted as intermediaries in the process.

In Islamic history, a tax collector named Ibn Qutaybah from the Uzdi tribe was appointed to collect taxes from the Banu Sulaim. He then received a gift and went to an apostle. He said: "O Apostle, this is for you, and this is for me." Hearing Ibn Qutaybah's confession, he was angry. What is the matter, an officer declares that this is for me and this is for the Apostle (Arafa, 2012). While seated at the residence of his parents, he received a gift. Subsequently, he publicly announced it.

Subtle bribery, characterized by diverse techniques, presents a more significant danger than traditional bribery. Its repercussions are far-reaching, as they not only inflict harm on others but also compel the recipient to act with partiality, thereby endorsing the briber's interests. Therefore, it is not surprising that Allah not only prohibits bribery but also curses (keeps away from grace). Allah *Rahman Rahim* does not give his mercy to the perpetrator of bribery. Likewise, the Apostle was very strict with Ibn Qutaybah in accepting bribes from taxpayers.

3. Betrayal of trust

The *isim fā'il* form of *fi'il khāna-yakhūnu is khā'in* which means *alladzī khāna mā ja'ala 'alaihi amīnan* (one who betrays something entrusted to him). Similarly, Imam al-Shukāni defines *khā'in* as *man ya'khudzu al-māl khafiyatun wa yazhharu al-nushhu li al-mālik* (one who secretly takes property and shows his good behavior towards the owner of the property) (Asy-Syaukani, 2002).

In the aspect of corruption crimes, betrayal of trust means that the rulers betray their oath of office because they are appointed as state administrators who must fulfill their promises according to their oath of office. The Qur'an states: "O you who believe, do not betray Allah and the Messenger and betray your trusts."

4. *Ghashab*

Ghashab means taking someone's property and seizing it by force and arbitrarily (Aziz 2016). The law of *ghashabs* is haram. When observed, corrupt individuals act arbitrarily against the property of others, particularly those who are in a position of weakness and lack power. Sayyid Sabiq, the author of Fiqh Sunnah, cites the argument of the ghashab with Surah Al-Kahf verse 79, which tells the story of a ruler who used to seize a good fishing boat (Sabiq, 1977). The case of seizure is the same as that of corruption. Government officials in charge of the budget arbitrarily mistreated people by embezzling their money.

5. *Al-Maks* (Illegal Levies)

The tradition of illegal taxation has been known since the early days of Islam, and even during the pre-Islamic era, there were frequent cases of extortion by certain groups against traders in markets. Usually, the nominal amount was set at 1/10 of the wealth they brought in that day. This happened continuously, sometimes even involving the local authorities by making rules to make it appear official, even though the element of injustice in it with extortion cannot be denied.

Based on the lexical meaning, the word *al-maks* is the masdar or infinitive form of the verb *makasayamkisu*, which means tax, lower prices, and oppress. Ibn Manzur also interprets the word *al-maks* with *al-jibayah* (excise). In even greater detail, he states: "*al-Maks* is a sum of money (dirhams) taken from traders in the markets in the days of ignorance." Ahmad al-Siharanfuri also quotes the definition of *al-maks* as in the book *al-Nihayah*, namely: *al-Maks* is a tax taken by the perpetrator, which is 1/10 (of the total property); in this case, there is generally an element of injustice. A ruler will go to hell because his policies lead to such injustice, and the collectors of 1/10 (of all merchants' wealth) will go to hell because they assist the ruler in carrying out the collection."

Muhammad ibn Salim ibn Sa'id Babashil defines *al-max* as: "*al-Maks* is a rule that is determined by the ruler unjustly, relating to human property, where this rule is regulated by laws that are deliberately made" (Arafa, 2018).

The arguments of Shara' regarding the prohibition of the practice of *al-maks* (illegal taxation) include the words of Allah S.W.T. in Surah Al-Syura Verse 42:

"Verily, the sin is upon those who wrong people and transgress on the earth without right. They shall have a painful punishment." In a hadith, perpetrators of illegal taxation or fees will not enter heaven. Rasulullah S.A.W said: "One who commits illegal taxation will not enter Paradise." (H.R. Abu Dawud)

Muhammad Nurul Irfan argues that *jarimah* corruption is included in the *ta'zir* category because it is not mentioned explicitly and clearly in the nash, so the government determines the type and severity of the punishment through a judge's decision (Bahri, 2015). Corruption cannot be analogized to *jarimah sariqah*, theft, *jarimah hirabah*, or robbery. This is because theft and robbery are included in the *jarimah hudud* whose sanctions have been determined in the Qur'an and to which *qias* does not apply. In addition, the crime of corruption is different from *jarimah sariqah*; if the crime of corruption there is the power of the perpetrator over the property he corrupts, while theft has nothing to do with the power of the thief over the stolen property, the property is beyond power.

The Decision of the NU National Conference of Alim Ulama Number: 001/Munas/2002 concerning Mas A'il Maudhuyah Siyasiyah on July 25-28, 2002 concerning Sanctions for "Corruptors" states that the punishment for the perpetrators of the corruption *jarimah* is cutting hands up to the death penalty in accordance with the quality of the crime against individual corruptors as legal subjects (Mubaraq, 2022). However, this decision does not explain the legal position of corruption involving corporations or legal entities.

Corruption in the Perspective of Criminal Law in Indonesia

Corruption within a nation poses significant threats to State Finance and the Economy, infringing upon people's social and economic rights. It is imperative to recognize corruption as an extraordinary crime. Traditional methods have proven insufficient in combating corruption; therefore, extraordinary strategies are necessary to address this issue effectively (Indrayana, 2017).

To formulate the definition of corruption offenses, lawmakers must consider various developments in the *modus operandi* of corruption crimes. Corruption is becoming increasingly adept at utilizing technology and methods that are difficult for law enforcement to detect. The formulation of the crime of corruption can be seen in Law No. 31 of 1999 Jo. Law No. 20 of 2001 concerning the Eradication of Corruption. The formulation of corruption can be seen in Articles 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 16. However, in this discussion, only a few articles will be used as samples to explain some elements contained in the formulation of those articles (Cahyani, 2020).

The legislation in Indonesia regulating corruption offenses has improved with the issuance of Law No. 28 of 1999 concerning the implementation of a clean and free state from corruption, collusion, and nepotism (Law No. 31 of 1999 Jo). Law No. 20 of 2001 concerning the Eradication of Corruption Crimes, Law No. 30 of 2002 concerning the Corruption Eradication Commission, and finally, with the ratification of the United Nations Convention Against Corruption, 2003, with Law No. 7 of 2006. Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption Crimes.

One issue often debated in the fight against corruption in Indonesia is the application of the death penalty for perpetrators of corruption. Article 2, paragraph (2) of Law No. 20 of 2001 states that the death penalty may be imposed under certain conditions, namely if the crime of corruption is committed under certain circumstances, such as when the country is in a state of economic crisis or natural disaster. The application of the death penalty aims to provide maximum deterrence for perpetrators and to emphasize that corruption is a serious crime that harms the wider community. In addition to the death penalty, the concept of impoverishing corruptors has begun to gain attention in efforts to increase deterrence against perpetrators of corruption. Impoverishment of corruptors is carried out by confiscating all assets obtained through corruption and imposing very high fines so that perpetrators no longer have the resources to enjoy the proceeds of their crimes.

The urgency of imposing the death penalty and impoverishing corruptors is based on the high level of corruption that still occurs in Indonesia, as well as its negative impact on society and the country's economy. In some cases, the penalties imposed on perpetrators of corruption are considered too lenient; therefore, they do not have a sufficient deterrent effect. Therefore, the imposition of heavier sanctions is expected to reduce corruption and strengthen the integrity of the government system and law enforcement. With strict regulations and more effective sanctions, Indonesia is expected to strengthen its anti-corruption system further and create a government that is more transparent, accountable, and free from corrupt practices. Firm and impartial law enforcement against corruptors is key to achieving clean and integrity-based governance.

DISCUSSION

The culture of corruption has become ingrained and is an acute problem in Indonesia. The government has issued numerous regulations to determine how to eradicate corruption. Existing legal institutions have clarified the types of legal sanctions for various acts categorized as criminal acts of corruption. In Islamic legal discourse, legal guidelines explain various acts of injustice and betrayal of trust that fall under the category of corruption (Cahyani, 2020).

Several things distinguish corruption from the perspective of Islamic law and that of Indonesian criminal law. In Indonesian criminal law, the types of acts that fall under the category of criminal corruption from an Indonesian legal perspective are abuse of authority by state officials in the form of state financial losses, bribery, embezzlement in office, extortion, fraud, conflicts of interest in procurement, and gratification (Gautier, 2009).

Corruption penalties in Indonesia are regulated by Law No. 31 of 1999 concerning the Eradication of Corruption Crimes and Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning the Eradication of Corruption Crimes. The penalties imposed can include imprisonment, fines, and, in some instances, the death penalty. Criminal sanctions imposed on the perpetrators of corruption consist of three main categories: imprisonment, fines, and additional penalties. Each category of sanction has a different function in upholding justice and deterring perpetrators (Al-Atas, 1980).

1. Imprisonment is the main punishment imposed on the perpetrators of corruption. Pursuant to Article 2(1) of Law No. 20 of 2001, any person who unlawfully commits acts of self-enrichment, enriching others, or enriching a corporation that causes financial loss to the state may be sentenced to life imprisonment or imprisonment for a minimum of 4 years and a maximum of 20 years. Additionally, Article 3 of Law No. 20 of 2001 stipulates that if corruption is committed

through the abuse of position or authority, the imprisonment penalty imposed shall range from one to 20 years.

2. Fines are imposed as an additional punishment to impose a financial burden on perpetrators of corruption. Article 2, paragraph (1) of Law 20 of 2001 stipulates that, in addition to imprisonment, perpetrators of corruption are subject to fines of at least Rp200 million and at most Rp1 billion. A similar provision also applies in Article 3 of Law No. 20 of 2001, where the fines imposed on perpetrators of abuse of authority in corruption cases range from Rp50 million to Rp1 billion.
3. Additional penalties may be imposed on the perpetrators of corruption in accordance with the provisions of Article 18 of Law No. 20 of 2001. These additional penalties include confiscation of assets obtained through corruption, payment of compensation equivalent to the value of the state's losses, revocation of the right to hold public office, and a ban on involvement in specific business sectors. The purpose of these additional penalties is to ensure that the corruption proceeds are returned to the state and to prevent perpetrators from repeating their actions in the future.

In terms of Islamic criminal law, several types of acts (*jarimah*) in Islamic criminal law that are similar to the current terminology of corruption include *ghulul* (embezzlement), *risywah* (bribery), *ghashab* (forcibly taking the rights/property of others), *khianat* (treason), and *al-maks* (illegal levies). Criminal acts of corruption in Islamic criminal law fall under the category of *ta'zir* punishment, where the type and severity of punishment are determined by the state (Bahri, 2015).

Ta'zir punishment for corruption cases is discretionary punishment, which aims to prevent and remedy crime. This punishment can take the form of imprisonment, fines, defamation, amputation (*had*), or even the death penalty, depending on the severity of corruption and its impact, as assessed by the government or authorities. Generally, some Islamic countries apply *ta'zir* punishments, such as flogging, exile, imprisonment/detention, public announcements, boycotts, compensation payments, or even death penalties. However, acts of corruption, including bribery and other forms, are classified as *jarimah ta'zir* because they have widespread social impacts and harm the public interest.

CONCLUSION

Corruption contradicts the objectives of Islamic law (*maqasid al syari'ah*) regarding the protection of property (*hifzh al-mal*). Corruption is not ordinary theft that only has a personal or individual impact, but it is a form of major crime that has a mass-communal negative impact. In terms of Islamic law, there are several types of corruption, such as *Risywah*, *Ghulul*, Betrayal of trust, *Ghasab* and *Al-Maks*, and illegal levies. In legal terminology, corruption is classified under the category of *jarimah ta'zir*, or crimes subject to *ta'zir* punishment, due to its absence from explicit mention in the *nash*. Consequently, the government determines the type and severity of punishment through judicial decisions (*ulil amri*).

Although *qath'i nash* sanctions are not explicitly designated to address corruption offenses, this does not equate to the lack of punitive measures for those involved in corrupt practices. Offenders may face *ta'zir* penalties, which are calibrated according to the gravity of misconduct and can increase to the most severe punishments, including the death penalty. The purpose of *ta'zir* sanctions is to prevent future offenses, correct behavior, and educate the offender, thereby serving as a deterrent to discourage recurrence.

Conflict of Interest

All the authors declare that there are no conflicts of interest.

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