

Combating Corruption in Indonesia Through Islamic Criminal Law and Customary Criminal Law

Fadli Januaris^{1*}, M. Khairul Arwani², Adi Jumanda³, Ilham Utama Yazid⁴, Yernati Ulfazah⁵, Rahimatul Fikri⁶

^{1*} Universitas Muhammadiyah Sumatera Barat, Indonesia. E-mail: fadlijanuaris@gmail.com

² Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia. E-mail: m.khairularwani@gmail.com

³ Universitas Islam Negeri Sjech M. Djamil Djambek Bukittinggi, Indonesia. E-Mail: adjumanda086@gmail.com

⁴ Universitas Gajah Mada, Indonesia. E-Mail: ilhamutamayazid0700@mail.ugm.ac.id

⁵ Universitas Islam Negeri Maulana Malik Ibrahim Malang, Indonesia. E-mail: yernatiulfa@gmail.com

⁶ Universitas Indonesia, Indonesia. E-Mail: rahimatul.fikri@ui.ac.id

Abstract: Corruption is a big problem for the Indonesian nation that cannot be resolved temporarily. Now the practice of corruption occurs in almost all levels of society. Indonesia has become one of the leading countries in eradicating corruption. Even though the majority of Indonesia's population is Muslim. The purpose of this study is to formulate a definition of corruption in Indonesia from the perspective of Islamic law and how the concept of corruption works in Indonesia from the perspective of Islamic law. Use in this research descriptive-analytic method with a normative approach. The research results show that corruption in Indonesia is from the perspective of Islamic law an attempt to enrich oneself or others by violating the law contrary to the principles of justice (al-'is), accountability (al-amanah) and being in a position of responsibility. Corruption in Indonesia when viewed in terms of jinayat law in Islam is the same as the concept of Ghulul (fraud), and Risywah (bribery), and al-Ghasab (exploitation of other people's rights without permission). corruption so that it is included in the offense of Islam prohibiting corruption, then committing acts that are contrary to the texts, such as for example. However, the perpetrators are people who can be prosecuted according to law.

Keywords: Customary Law; Combating Corruption, Indonesia, Islamic Law

1. Introduction

Corruption is a societal phenomenon that is extremely difficult to eradicate. History shows that almost every country in the world faces the problem of corruption, including those considered to be developed nations. Corruption not only "infects" public officials who abuse their power, but now it also runs rampant among ordinary individuals who exploit various loopholes for personal gain. In recent decades, the problem of corruption has been exacerbated by a worsening economic situation. Many people link various emerging issues to entrenched practices of conspiracy, corruption, and nepotism (KKN). This deplorable practice is considered to have become part of the culture, appearing as normal activities in the minds of many, despite being recognized as morally and legally wrong. Corruption affects various aspects of life, from public services to the private sector. In the public sector, corruption can hinder development and erode public trust in the government. Meanwhile, in the private sector, corruption can disrupt fair competition and undermine business integrity.¹

Corruption has crystallized in the vital structures of the Indonesian nation. Its impact is not limited to threatening the country's economy but extends to various other aspects of life. Corruption can endanger the environment by exacerbating environmental degradation due to unsustainable

¹ Ahmad Khoirul Umam, 'Understanding the Influence of Vested Interests on Politics of Anti-Corruption in Indonesia', *Asian Journal of Political Science* 29, no. 3 (2 September 2021): 255–73, <https://doi.org/10.1080/02185377.2021.1979061>.

projects that potentially damage ecosystems. Additionally, democratic institutions are affected, as corruption erodes public trust in the political system and government institutions. Human rights and basic freedoms are also victims of corrupt practices. Violations of these rights are often not investigated or fairly addressed due to bribery or abuse of power. In the worst-case scenario, corruption can hinder development progress and exacerbate poverty. Development projects that should improve the welfare of the people are often stalled or poorly executed because of embezzled funds. Corruption undermines the government's ability to provide essential services such as education, healthcare, and infrastructure. When public funds are misused, the quality of these services declines, and the most vulnerable populations are the hardest hit. Corruption also increases inequality and injustice, as resources meant for public benefit are enjoyed by a few powerful individuals instead. Furthermore, corruption can reduce foreign aid and foreign investment returns. Donor countries and investors are often hesitant to channel funds or invest in countries known for corrupt practices, fearing that the funds will not be used as intended.²

Corruption has become an acute and systemic issue that is extremely dangerous, causing significant harm to the country and society. The forms and factors of corruption are constantly and rapidly changing. At the same time, the pace of legislative changes always lags a few steps behind the crimes. This is exploited by many individuals, groups, or certain entities to engage in various acts that can be classified as corruption offenses. Corruption in Indonesia has developed through three stages: Elite, Endemic, and Systemic. In the elite phase, corruption remains a social pathology typical among elites or officials. In the endemic phase, corruption has become widespread, reaching the general public. Finally, in the critical stage when corruption is rampant, every individual within the system is infected by the same disease. Corruption in Indonesia has reached a systemic stage. As a crime that violates the social and economic rights of the people, corruption can no longer be classified as a common crime. Its eradication can no longer be carried out in a "usual" manner but requires an "extraordinary execution." Corruption that has reached a systemic stage demands a more aggressive and innovative approach to eliminate it. This includes profound structural reforms in the legal system, increased transparency and accountability in governance, and active public participation in oversight. Efforts to combat corruption must involve all levels of society, from anti-corruption education at the basic level to strict law enforcement against corruption perpetrators, without discrimination. Additionally, protection for whistleblowers and the establishment of strong and independent institutions to monitor and handle corruption cases are essential.³

The demand for the death penalty reflects the public's frustration over the ineffectiveness of anti-corruption efforts, making the death penalty seem like a shortcut to solving the deeply rooted problem of corruption. Delving deeper, corruption is a symptom, rather than the disease itself, of systemic failures in the government, private sector, and society. Addressing corruption requires a three-pronged approach: enforcement, prevention, and education. Enforcement must be stringent against corrupt individuals, but equally important is prevention through systemic and regulatory reforms that close the gaps allowing corruption to occur. Anti-corruption education needs to be intensified from an early age to develop a generation that is aware of and obedient to the law. Additionally, the "follow the money" approach, which focuses on asset recovery from corrupt activities, should be prioritized, as this approach is more effective in the long term compared to merely punishing corrupt individuals.⁴

² Dwi Ratmono et al., 'The Problem of Corruption in Government Organizations: Empirical Evidence from Indonesia', *Problems and Perspectives in Management* 19, no. 4 (7 October 2021): 29–39, [https://doi.org/10.21511/ppm.19\(4\).2021.03](https://doi.org/10.21511/ppm.19(4).2021.03).

³ Hendi Prabowo, Rizki Hamdani, and Zuraidah Sanusi, 'The New Face of People Power: An Exploratory Study on the Potential of Social Media for Combating Corruption in Indonesia', *Australasian Accounting, Business and Finance Journal* 12, no. 3 (2018): 19–40, <https://doi.org/10.14453/aabfj.v12i3.3>.

⁴ Bestari Dwi Handayani et al., 'The Implication of Energy Consumption, Corruption, and Foreign Investment for Sustainability of Income Distribution in Indonesia', *Sustainability* 14, no. 23 (29 November 2022): 15915, <https://doi.org/10.3390/su142315915>.

An effective anti-corruption strategy should prioritize comprehensive and systemic governance reforms that address the root causes of corruption. This involves structural reforms across various sectors, implementing transparency policies, and enhancing accountability at all levels of government and the private sector.⁵ In the context of the deeply ingrained culture of corruption in society, efforts to educate about legal compliance from an early age are crucial. This can be achieved through educational curricula that emphasize values of integrity and honesty. On the other hand, the concept of "clean government" at the government level must be seriously implemented, including strict oversight and fair sanctions for violators. This collective effort will lay a strong foundation for eradicating corruption, creating a cleaner and highly integrated system, and ensuring that corrupt practices no longer become part of societal culture.

This research aims to explore the potential of Islamic Criminal Law and Customary Criminal Law in addressing the persistent challenges of corruption in Indonesia. With a focus on in-depth analysis of the principles and penalties within both legal systems, the study will examine their relevance and practical application in the context of modern law enforcement. Additionally, it will assess the potential hurdles that may arise in adopting or integrating these legal aspects into the existing criminal justice system. The significance of this research includes a substantial contribution to academic literature by providing a fresh and in-depth perspective on how traditional laws can strengthen efforts to combat corruption. The findings are expected to guide policymakers in designing more effective strategies to tackle corruption and offer valuable insights to legal practitioners and law enforcement agencies dealing with complex corruption cases. Thus, the research aims not only to enhance understanding of the role of traditional laws in a modern context but also to generate policy recommendations that can lead to an overall improvement in the integrity of Indonesia's criminal justice system.

2. Method

This study aims to explore and critically assess the potential effectiveness of Islamic Criminal Law and Customary Criminal Law in addressing the persistent and multifaceted challenges of corruption in Indonesia. Corruption remains a pervasive issue that undermines governance, economic development, and societal trust, necessitating robust legal frameworks and effective enforcement mechanisms. The research will conduct an exhaustive examination of the foundational principles, historical evolution, and practical applications of both Islamic Criminal Law, rooted in Islamic jurisprudence (fiqh), and Customary Criminal Law, derived from indigenous societal norms and practices. By delving into these legal systems within the context of anti-corruption measures, the study seeks to offer a comprehensive understanding of their theoretical underpinnings and operational implications in combating corrupt practices.

Central to this investigation is an in-depth analysis of how Islamic principles and customary norms have historically addressed issues of corruption, emphasizing accountability, transparency, and ethical conduct in public and private spheres. The study will explore case studies and empirical data to assess the efficacy and challenges encountered in applying these legal frameworks in contemporary Indonesia. Insights gained from this analysis will contribute significantly to scholarly literature by providing nuanced insights into the intersection of religious and cultural norms with modern legal frameworks aimed at combating corruption. This scholarly contribution extends beyond theoretical discourse to offer practical implications for policymakers, legal practitioners, and anti-corruption agencies tasked with designing and implementing effective anti-corruption strategies. The research aims to identify and critically evaluate barriers and challenges to the integration of Islamic Criminal Law and Customary Criminal Law into Indonesia's existing legal framework. These barriers may include legislative gaps, institutional resistance, socio-cultural complexities, and the need for capacity building among law enforcement agencies and judicial bodies. By addressing these challenges head-on, the study aims to propose actionable recommendations tailored to enhance the effectiveness and integrity of anti-corruption efforts in

⁵ Blane D. Lewis and Adrianus Hendrawan, 'The Impact of Majority Coalitions on Local Government Spending, Service Delivery, and Corruption in Indonesia', *European Journal of Political Economy* 58 (June 2019): 178–91, <https://doi.org/10.1016/j.ejpoleco.2018.11.002>.

Indonesia. This holistic approach underscores the importance of aligning legal frameworks with societal norms and values, thereby fostering a more inclusive and sustainable approach to combating corruption and promoting good governance practices nationwide.

3. Analysis or Discussion

3.1. Origins and Evolution of Corruption in Indonesia

Corruption a term originating from the Latin "corruption" or "corruptus", fundamentally means rotten, spoiled, or perverted. Historical records show that this term spread into English as "corruption", into French as "corruption", and into Dutch as "korruptie", before being translated into Indonesian as "korupsi". It refers to the embezzlement or misuse of power, particularly in the context of using state funds or corporate resources for personal or illicit group interests. Corruption, in all its forms, encompasses practices that violate public trust in the integrity and transparency of institutions that are supposed to serve the public interest. It often occurs when individuals or groups exploit their positions or offices to gain personal advantages unfairly, sacrificing the public interests that should be protected and advocated for. Its impacts are not limited to financial or economic losses alone but also include negative effects on political stability, sustainable economic development, and the public's trust in governments and institutions responsible for public services.⁶

Globally corruption poses a significant challenge in building a just and sustainable society. Its existence hampers efforts to achieve sustainable development goals and perpetuates social and economic injustice. Therefore, combating corruption is not only the responsibility of governments or legal institutions but also requires active participation from all segments of society in building a culture of integrity and strong accountability. Only by maintaining a collective commitment and enforcing rules firmly can we move towards a society that is more just and free from the destructive impacts of corruption.

The history of corruption in Indonesia spans various phases from pre-colonial times to the modern era, reflecting complex political, economic, and social dynamics in the formation and transformation of the nation. During the Dutch colonial period, corruption primarily manifested as the abuse of power by colonial officials who exploited their positions to enrich themselves and the local elites they supported.⁷ This practice not only caused economic harm but also deep social injustices, where abundant natural wealth was used for the benefit of a few while the majority of the indigenous population lived in poverty. After proclaiming independence in 1945, corruption did not disappear; instead, it evolved alongside the formation of a new bureaucracy and a developing political system. The Sukarno era during the Old Order period was marked by ambitious national development programs often plagued by widespread allegations of corruption at both the central and local government levels. Political and economic instability frequently exacerbated the growth of more structured corruption practices.⁸

The New Order era under Suharto's leadership (1966-1998) marked the peak of corruption in Indonesia's history. This authoritarian regime established a highly centralized bureaucratic system where corruption became deeply rooted and widespread among political elites, the military, and business sectors. Corporate corruption and the consolidation of power conglomerates were

⁶ Anastasia Citra Puspita and Yohanna M. L. Gultom, 'The Effect of E-Procurement Policy on Corruption in Government Procurement: Evidence from Indonesia', *International Journal of Public Administration* 47, no. 2 (25 January 2024): 117–29, <https://doi.org/10.1080/01900692.2022.2093900>.

⁷ Gabriel Lele, 'Revisiting the Virtues of Veto Point: Political Corruption in Post-Soeharto Indonesia', *The Journal of Legislative Studies* 26, no. 2 (2 April 2020): 275–94, <https://doi.org/10.1080/13572334.2020.1738688>.

⁸ Ahmad Khoirul Umam et al., 'Addressing Corruption in Post-Soeharto Indonesia: The Role of the Corruption Eradication Commission', *Journal of Contemporary Asia* 50, no. 1 (1 January 2020): 125–43, <https://doi.org/10.1080/00472336.2018.1552983>.

prevalent, with public funds diverted for the personal gain of a small number of individuals and groups, greatly harming millions of Indonesians. The reform movement of 1998 was a significant turning point in Indonesia's anti-corruption efforts. With the fall of the New Order regime, demands for systemic change led to the establishment of the Corruption Eradication Commission (KPK) in 2002.⁹ The KPK was mandated to investigate, prosecute, and eradicate corruption at all levels of government and the private sector. However, the challenges in combating corruption remain substantial, requiring ongoing structural reforms to address root causes and establish a more transparent, accountable, and just system for all citizens.

The history of corruption in Indonesia encapsulates more than just a series of failures and criminal acts; it serves as a profound reflection of the nation's enduring quest to establish itself as a morally upright, efficient, and lawful society. Through a retrospective examination and deep introspection of its past, Indonesia stands poised to emerge stronger and more resilient in its resolve to combat corruption. By learning from historical lessons, Indonesia can reinforce its institutions, enhance transparency, and ensure accountability across all sectors of governance. This proactive approach not only aims to eradicate corruption but also strives to safeguard the integrity of public offices and promote an environment conducive to inclusive and sustainable development for all its citizens. As Indonesia continues its journey, the commitment to ethical governance and the rule of law will play pivotal roles in shaping a future where justice, fairness, and prosperity prevail.¹⁰

3.2. Provisions of Corruption Crimes in Indonesia

In the Indonesian Penal Code (KUHP), there are specific articles that substantially encapsulate the concept of corruption. These provisions, in a narrow sense, adequately encompass various forms of deviant behavior traditionally understood as corruption, such as abuse of office, bribery, embezzlement, and others. Within the criminal legislative framework, these offenses are regulated and classified as types of corruption. The legislative policies, particularly in criminal law, have undergone remarkable dynamics in response to societal concerns over corruption, which has inflicted hardships on the Indonesian people. Few criminal offenses receive the extraordinary level of response and attention from legislative policies as corruption does. To date, there are at least seven specific laws still in force that normatively aim to prevent and eradicate corruption.¹¹

The evolution of criminal legislation reflects a profound societal unease and the urgent need to address corruption comprehensively. These legislative measures not only define and penalize corrupt acts but also aim to prevent and deter such behavior through stringent enforcement and preventive measures. The enactment of multiple specialized laws underscores the severity and complexity of tackling corruption in Indonesia's legal framework.¹² Each legislative initiative represents a concerted effort to adapt to evolving forms of corruption and to strengthen institutional frameworks tasked with combating these offenses. Moving forward, the ongoing legislative response seeks to refine and enhance these frameworks to ensure greater transparency, accountability, and integrity in public and private sectors alike, thereby fostering a more just and equitable society.

The legislative landscape in Indonesia concerning the eradication of corruption is marked by a series of significant laws aimed at addressing and combating various facets of corrupt practices.

⁹ Bima Suprayoga, Hartiwiningsih, and Muhammad Rustamaji, 'Reconstruction of State Economic Losses in Criminal Acts of Corruption in Indonesia', *Revista de Gestão Social e Ambiental* 17, no. 4 (27 June 2023): e03453, <https://doi.org/10.24857/rgsa.v17n4-024>.

¹⁰ Abdul Karim et al., 'Altruistic Works, Religion, and Corruption: *Kiai* s' Leadership to Shape Anti-Corruption Values in *Pesantren*', *Cogent Social Sciences* 9, no. 1 (31 December 2023): 2238968, <https://doi.org/10.1080/23311886.2023.2238968>.

¹¹ Dwidja Priyatno, 'Non Conviction Based (NCB) Asset Forfeiture for Recovering the Corruption Proceeds in Indonesia', *Journal of Advanced Research in Law and Economics* 9, no. 1 (25 September 2018): 219, [https://doi.org/10.14505/jarle.v9.1\(31\).27](https://doi.org/10.14505/jarle.v9.1(31).27).

¹² Dwi Ratmono and Darsono Darsono, 'New Public Management and Corruption: Empirical Evidence of Local Governments in Indonesia', *Public and Municipal Finance* 11, no. 1 (7 June 2022): 54–62, [https://doi.org/10.21511/pmf.11\(1\).2022.05](https://doi.org/10.21511/pmf.11(1).2022.05).

The enactment of Law No. 31 of 1999 on the Eradication of Criminal Acts of Corruption, as amended by Law No. 20 of 2001, represents a pivotal step in this endeavor. This law delineates stringent measures against corruption, defining offenses, specifying penalties, and outlining procedures for investigation and prosecution. Subsequently, Law No. 30 of 2002 established the Corruption Eradication Commission (KPK), a specialized agency tasked with investigating, prosecuting, and preventing corruption at all levels of government and society. The KPK has been instrumental in the enforcement of anti-corruption measures, employing proactive investigative methods and promoting transparency in public governance.

Law No. 46 of 2009 concerning the Corruption Court further strengthened Indonesia's legal framework against corruption by establishing specialized courts dedicated to handling corruption cases. These courts are equipped with the jurisdiction and expertise to adjudicate corruption-related offenses swiftly and impartially. In parallel,¹³ Law No. 28 of 1999 on Clean and Free from Corruption, Collusion, and Nepotism Governance emphasizes preventive measures within state institutions, promoting integrity and ethical conduct among public officials. Additionally, Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering addresses the financial aspect of corruption, ensuring that illicit proceeds from corrupt activities are traced, seized, and confiscated. Moreover, Law No. 13 of 2006 on the Protection of Witnesses and Victims aims to safeguard individuals who come forward with information about corruption, fostering an environment conducive to reporting and prosecuting corrupt practices. Lastly, Law No. 7 of 2006 ratified the United Nations Convention against Corruption, signaling Indonesia's commitment to international cooperation in combating corruption through shared standards and practices. Among the latest additions is Law No. 19 of 2019 concerning the Amendment of Law No. 30 of 2002 on the Corruption Eradication Commission (KPK).¹⁴

This amendment seeks to reinforce the independence and authority of the KPK in investigating and prosecuting corruption cases, ensuring its effectiveness as a pivotal institution in Indonesia's anti-corruption efforts. Additionally, Law No. 11 of 2021 on Job Creation (Omnibus Law) includes provisions aimed at streamlining regulations to improve the investment climate, which indirectly supports anti-corruption efforts by reducing bureaucratic barriers and enhancing transparency in business practices. These legislative developments underscore Indonesia's ongoing commitment to combatting corruption through robust legal frameworks and institutional reforms, aiming to foster sustainable development and uphold accountability across public and private sectors alike.

4. Corruption in Islamic Criminal Law and Customary Criminal Law

In classical Islamic literature, there is indeed no separate chapter dedicated to corruption. Therefore, to understand how corruption is viewed in Islamic criminal law, there are at least eight terms that can be associated with corrupt acts: Ghulul, for example, means betraying spoils of war. Initially, Ghulul was limited to actions like misappropriation, embezzlement, fraud, and betrayal of war spoils. Over time, its meaning expanded to include deceit and betrayal of other assets (not limited to war spoils), such as embezzlement from Baitul Mal (public treasury), jointly held business assets, state property, zakat funds, etc.¹⁵

¹³ Dewi Asri Yustia and Firdaus Arifin, 'Bureaucratic Reform as an Effort to Prevent Corruption in Indonesia', *Cogent Social Sciences* 9, no. 1 (31 December 2023): 2166196, <https://doi.org/10.1080/23311886.2023.2166196>.

¹⁴ Farah C. Noya, Sandra E. Carr, and Sandra C. Thompson, 'Commitments, Conditions and Corruption: An Interpretative Phenomenological Analysis of Physician Recruitment and Retention Experiences in Indonesia', *International Journal of Environmental Research and Public Health* 19, no. 9 (2 May 2022): 5518, <https://doi.org/10.3390/ijerph19095518>.

¹⁵ Hilaire Tegnau et al., 'Mining Corruption and Environmental Degradation in Indonesia: Critical Legal Issues', *BESTUUR* 9, no. 2 (24 November 2021): 90, <https://doi.org/10.20961/bestuur.v9i2.55219>.

The legal sanctions applied to cases of Ghulul, as mentioned in the verse, are primarily moral, involving the risk of humiliation before Allah on Judgment Day.¹⁶ This aligns with the sanctions implemented by the Prophet concerning such cases; he refused to lead the funeral prayer for those guilty of Ghulul. This moral-based legal sanction can be understood because, at that time, cases of Ghulul were not yet considered criminal offenses or major transgressions requiring severe penalties, given the relatively small scale of harm caused. In such instances, the Prophet emphasized moral guidance as a form of punishment, rather than treating it as a criminal act deserving of punishments like Hudud or Qisas. However, the approach would differ if the harm caused were significantly greater, warranting a different form of punishment.¹⁷

Bribery, as understood in Islamic teachings, encompasses various elements that make it a grave transgression against justice and fairness. The Qur'an and the teachings of Prophet Muhammad explicitly forbid bribery, categorizing it as an act of falsehood (batil) that undermines societal trust and moral integrity. Surah al-Baqarah [2]: 188 highlights this prohibition, emphasizing the ethical and spiritual repercussions for both the giver and the receiver. The Prophet's condemnation of bribery further underscores its severity, marking it as a practice that brings about divine displeasure and societal harm.¹⁸

In Islamic jurisprudence, bribery extends beyond monetary transactions to include any form of undue influence or favoritism granted in exchange for personal gain. This prohibition aims to safeguard public welfare and ensure equitable treatment under the law. For leaders and officials in positions of authority, the strict prohibition against bribery serves as a safeguard against corruption and injustice. Upholding impartiality and integrity in decision-making is essential to maintain public trust and uphold the principles of justice that Islam espouses. Thus, Islamic teachings provide a comprehensive framework that discourages bribery in all its manifestations, emphasizing ethical conduct and accountability in governance and public service.¹⁹

Ghasab, as categorized in Islamic teachings, is akin to the act of corruption. Surah al-Kahf [18]: 79 narrates the story of an oppressive king who unjustly seizes a ship belonging to poor individuals through ghasab. In this context, ghasab refers to wrongfully usurping the property of others through force or coercion. The verse illustrates how this unjust ruler sank the ship to prevent its lawful use by its rightful owners. Ghasab is differentiated from theft in that it is typically done openly; when done covertly, it may be termed as theft instead. Sometimes, ghasab involves utilizing someone else's property without permission, which may or may not be returned to its rightful owner.²⁰

Drawing an analogy, ghasab exemplifies a form of corruption where those in power exploit their authority for personal gain at the expense of the impoverished. The verse exemplifies how a tyrannical ruler could misuse the resources of their people, such as using a ship owned by the poor for their personal interests. This misuse constitutes enriching oneself improperly through the

¹⁶ Aziz Hakimi and Masooma Sa'adat, 'Legal Reform or Erasure of History? The Politics of Moral Crimes in Afghanistan', *Central Asian Survey* 39, no. 2 (2 April 2020): 255–71, <https://doi.org/10.1080/02634937.2019.1707510>.

¹⁷ Asa'ari Asa'ari et al., 'Considering Death Penalty for Corruptors in Law on Corruption Eradication from the Perspective of Maqāṣid Al-Syarī'ah', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (28 May 2023): 920, <https://doi.org/10.22373/sjhk.v7i2.14944>.

¹⁸ Febby Mutiara Nelson, 'In Search of a Deferred Prosecution Agreement Model for Effective Anti-Corruption Framework in Indonesia', *Hasanuddin Law Review* 8, no. 2 (30 July 2022): 122, <https://doi.org/10.20956/halrev.v8i2.3292>.

¹⁹ Asep Bambang Hermanto and Bambang Slamet Riyadi, 'Constitutional Law on The Discretionary of Prosecutor's Power Against Abuse of Power Implications of Corruption Culture in The Prosecutor's Office Republic of Indonesia', *International Journal of Criminology and Sociology* 9 (5 April 2022): 763–72, <https://doi.org/10.6000/1929-4409.2020.09.71>.

²⁰ Hairu Mondosiyoko et al., 'Contante Justitie System in Corruption Cases in Indonesia: A Legal Constructivism System Paradigm', *International Journal of Religion* 5, no. 2 (8 April 2024): 574–86, <https://doi.org/10.61707/1rws6923>.

wrongful use of public resources. Thus, ghasab serves as a profound example in Islamic teachings, highlighting the importance of justice, honesty, and the equitable distribution of resources within society.²¹

The social interactions that form create a habit that is subsequently passed down through generations. This habit is adhered to and binds every member of the community. Various criminal acts that occur within the community are generally resolved first through customary justice. Community deliberations through the village government facilitate the resolution of corruption cases. The village government's role here is carried out by the Badan Permusyawaratan Nagari (BPN). The BPN, as the legislative body in the village, is considered neutral because its members consist of community and traditional leaders. Corruption in the village is usually committed by village government officials and by local wealthy individuals. Customary court sessions by the Kerapatan Adat Nagari (KAN) address corruption cases typically involving property under traditional authority. Direct imposition of customary sanctions takes the form of social sanctions. These sanctions are applied directly based on customary agreements or provisions without requiring a formal customary assembly or consultation. Customary sanctions for corruption cases are usually equivalent to those for theft, but may include additional forms of punishment.²²

Direct actions taken by the community to address criminal activities can be exemplified by actions taken against perpetrators of village fund corruption.²³ This includes the community seizing the motorcycle of a village treasurer as collateral until approximately 5 million Indonesian Rupiah, which was lost, is accounted for and returned. Additionally, the community imposes social sanctions by publicly announcing the corruption committed by the treasurer in places accessible to the public. This clearly impacts the perpetrator's morale. Such actions are much quicker compared to reporting to law enforcement agencies, which may require more time and incur greater costs than the amount lost.²⁴

In the context of resolving criminal acts through customary law and Islamic law, Symbolic Interactionism Theory provides insights into how individuals and society interact and attribute meaning to criminal actions and their resolution processes. This theory emphasizes that individuals in society do not just act based on physical stimuli but also based on the social meanings they attribute to their own actions and the actions of others. According to Symbolic Interactionism Theory, the process of resolving criminal acts through customary and Islamic law can be understood as the result of symbolic interaction among the parties involved. Members of the community and traditional leaders use symbols, signals, and words to communicate norms, values, and rules that govern their lives. In the context of Islam, Sharia law provides a moral and ethical foundation that guides conflict resolution and criminal justice. Customary court proceedings and Sharia law are not merely formal legal processes but also arenas where the social, moral, and religious meanings of criminal acts are considered and debated. The social-psychological perspective of Symbolic Interactionism also focuses on how social stigma and reputation can influence the resolution of criminal acts according to customary and Islamic law. The acceptance or rejection of individuals involved in criminal acts by the community can affect the social sanctions, restitution, or reputation rehabilitation applied, in line with principles of justice and peace in society. Thus, the resolution of criminal acts through customary and Sharia law involves not only physical punishment or fines but also a social-psychological process that governs

²¹ Diding Rahmat, 'Formulasi Kebijakan Pidana Denda Dan Uang Pengganti Dalam Penegakan Tindak Pidana Korupsi Di Indonesia', *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 1 (25 April 2020): 79, <https://doi.org/10.29303/ius.v8i1.686>.

²² Dwi Intan Ariani and Dyah Setyaningrum, 'E-Procurement and Corruption Prevention in Indonesia's Local Governments', *International Journal of Economic Policy in Emerging Economies* 18, no. 3/4 (2023): 318–25, <https://doi.org/10.1504/IJEPEE.2023.136316>.

²³ I Made Gemet Dananjaya Suta, I Gusti Agung Mas Prabandari, and Ni Luh Gede Astariyani, 'Determining State's Financial Losses in Corruption: An Institutional Power and Constraint in Indonesia', *Lentera Hukum* 8, no. 1 (24 April 2021): 95, <https://doi.org/10.19184/ejhl.v8i1.21923>.

²⁴ Azwar Azwar and Achmat Subekan, 'Does Democracy Reduce Corruption in Indonesia?', *Jurnal Ilmu Sosial Dan Ilmu Politik* 25, no. 3 (16 March 2022): 195, <https://doi.org/10.22146/jsp.56886>.

how communities manage conflict, uphold justice, and maintain social and spiritual balance.²⁵

5. Conclusion

From the exposition provided, it is evident that corruption encompasses a wide spectrum of actions driven by the pursuit of personal or collective benefits, extending to corporate entities, through the misuse of authority or resources derived from one's position, potentially causing harm to the state or the broader economy. In Islamic criminal jurisprudence, corruption is viewed as a profound transgression against societal norms and public welfare. The legal repercussions for those involved in corrupt practices can vary significantly, ranging from individual forms of retribution such as recompense or retaliation, to broader societal responses that may lead to enduring social stigma and exclusion. Islamic teachings emphasize integrity and justice in all aspects of life, including governance and economic dealings. The Quran and Hadith (Prophetic traditions) explicitly forbid corruption and emphasize the sanctity of public trust and honesty. Prophetic traditions further highlight the severe consequences of engaging in corrupt practices, reflecting a broader ethical framework that condemns such behaviors as detrimental to community cohesion and moral fabric.

In parallel, customary justice systems play a pivotal role in addressing corruption, particularly through indigenous judicial mechanisms that uphold principles of fairness, transparency, and communal accountability. Institutions like the Badan Permusyawaratan Nagari (BPN) and Kerapatan Adat Nagari (KAN) are instrumental in ensuring equitable resolutions for corruption cases within local contexts. Strengthening these traditional institutions is essential for fostering community trust and preserving integrity in governance. Moreover, enhancing legal literacy among indigenous communities is pivotal in deepening awareness of the adverse effects of corruption and empowering local populations to actively combat such practices. By integrating Islamic legal principles with customary approaches, there is potential to effectively combat corruption and promote sustainable development. This comprehensive strategy not only aims to eliminate corrupt behaviors but also supports the establishment of accountable governance structures that enhance social cohesion and economic stability. Thus, advancing a robust anti-corruption agenda remains pivotal in achieving equitable progress and fostering a prosperous future for communities at both local and national levels.

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