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DAFTAR ISI

Contextualization of Hadical Understanding about Corruption

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Abstract

Corruption is a major issue and become a barrier against advancement of a country including its inhabitants because it is very detrimental to the economy and finances of the State. This paper tried to do the understanding the Hadith are contextually corruption by using descriptive method-analytical. Findings from this research yielded some important things to talk about corruption, namely: first, the forms of corruption among other ghulul (embezzlement), treasonous, risywah, sariqah and gifts. Second, all the scholars of hadith scholars including agreed five forms of corruption are part of their religious offense finally perpetrators punished corruption according to weight and ringannya corruption. Third, the Hadith-Hadith corruption kontektual, understood that corruption does not occur only at the time of the Prophet, but continues to present an extraordinary influence against the injustice in life, aspects of the implementation of the bureaucracy and others. Fourth, aspects of Islamic trends in corruption were forbidden to keep treasures (hifzh al-Mal), both in the aspect of dharuriyah, tahsiniyah and hajiyah her.

Keywords: *Hadith, Corruption, Maqasid Syariah, Contextual*

Abstrak

Korupsi merupakan masalah besar dan menjadi penghalang terhadap kemajuan suatu negara termasuk penduduknya karena sangat merugikan perekonomian dan keuangan negara. Tulisan ini mencoba melakukan pemahaman hadis korupsi secara kontekstual dengan menggunakan metode deskriptif-analitis. Hasil temuan dari penelitian ini menghasilkan beberapa hal penting yang berbicara tentang korupsi, yaitu: Pertama, bentuk-bentuk korupsi antara lain ghulul (penggelapan), khianat, risywah, sariqah dan hadiah. Kedua, semua para ulama termasuk ulama hadis sepakat lima bentuk korupsi tersebut merupakan bagian dari perbuatan pelanggaran agama yang akhirnya pelaku korupsi mendapatkan hukuman sesuai berat dan ringannya korupsi. Ketiga, hadis-hadis korupsi dipahami secara kontektual, bahwa kasus korupsi tidak hanya terjadi pada masa Nabi, namun terus terjadi sampai masa sekarang yang pengaruhnya sangat luar biasa terhadap aspek ketidakadilan dalam kehidupan, pelaksanaan birokrasi dan lain-lain. Keempat, dari aspek maqashid syariah korupsi dilarang untuk memelihara harta (hifzh al-Māl) baik dalam aspek dharuriyah, hajiyah dan tahsiniyah.

Kata Kunci: *Hadis, Korupsi, Maqasid Syariah, Kontekstual*

Introduction

In this modern era, the Indonesian nation is progressing very rapidly, ranging from the advancement of science and technology to the level of human needs, such as clothing, food and shelter. These needs are worldly needs where not infrequently various businesses (including the wrong way) are done to meet those needs, one of which is corruption. Corruption seems to have become a habit of government apparatus, officials to ordinary people. Even the level of corruption in Indonesia has been referred to as *hyper corruptus*, namely as a form of deviation that has passed the limits of human reason.[1]

Corruption is a major problem and a barrier to the progress of a country and the population of the country, because although it is only done by few people, but corruption can harm the economy and state finance[2]. Corruption in Indonesia is ongoing; there is always a new corruption case when other corruption cases have not been completed yet. This impedes law enforcement and settlement; has happened from the *orde baru* until now. Various efforts were made to combat corruption and to save the State's finances. Various legislative products, institutions, and special teams have been set up by the government to criminalize corruption in order to save the economy and state finances.[3]

Corruption is presented in various forms,

such as bribery, ghulul, treason, ghasb, even gifts, but also in the act of corruption. Therefore, Imam Shafi'i classifies the types of gifts that are included in the act of corruption. *First*, a gift is given to accelerate a person's rights. *Second*, a gift is given to make it easier for someone to get what they want. For example, a corruption defendant who rewards some parties for him to be free of law or get a reduction in punishment. *Third*, rewards are given to free someone from certain obligations. For example, an entrepreneur who gives an offer to a particular party in order to get a reduction in the amount of tax he must pay. *Fourth*, rewards are categorized as extortive corruption (extortion). Extortive corruption is corruption in which a person is forced to give gifts to others so that the giver may be spared from losses related to self-threatening, interests, persons or things that are important to the giver.[4]

When claiming again about the corruption that occurred in the time of Prophet Muhammad, we will find some traditions about corruption. One of the hadiths of corruption is:

عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيّ أَنَّ رَجُلاً مِنْ أَصْحَابِ النَّبِيِّ -صلى الله عليه وسلم- تُوُفِّيَ يَوْمَ خَيْبَرَ فَذَكَرُوا ذَلِكَ لِرَسُولِ اللَّهِ -صلى الله عليه وسلم- فَقَالَ صَلُّوا عَلَى صَاحِبِكُمْ ». فَتَغَيَّرَتْ وُجُوهُ النَّاسِ لِذَلِكَ فَقَالَ « إِنَّ صَاحِبَكُمْ غَلَّ فِى سَبِيلِ اللَّهِ ». فَفَتَّشْنَا مَتَاعَهُ فَوَجَدْنَا خَرَزًا مِنْ خَرَزِ يَهُودَ لاَ يُسَاوِى دِرْهَمَيْنِ[5]

"From Zaid bin Khalid al-Juhanni that there was a man from among the companions of the Prophet who died in the conquest of Khaibar, then the Companions mentioned it to the Prophet SAW, then he said: Pray your friend. Then their faces changed because of it, and then he said: What a friend of yours did ghulul (corruption) in the war in the

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[1] Majelis Tarjih dan Tajdid PP. Muhammadiyah, *Fikih Antikorupsi Perspektif Ulama* Muhammadiyah (Jakarta: Pusat Studi Agama dan Pradaban, 2006), 1.

[2] UU No. 31 Tahun 1999 tentang pemberantasan tindak pidana korupsi beserta dengan perubahannya (UU No. 20 tahun 2001 tentang perubahan atas Undang-undang no. 31 tahun 1999 tentang pemberantasan tindak pidanakKorupsi) dapat disimpulkan bahwa tindak pidana korupsi adalah melakukan secara melawan hukum perbuatan memperkaya diri sendiri atau orang alin atau suatu korporasi yang dapat merugikan keuangan negara atau perekonomian negara. Lihat Syamsul Anwar, "Korupsi Dalam Perspektif Hukum Islam," *Hukum* 15, no. 1 (2008): 16.

[3] Mudzakkir, "Laporan Akhir Tim Kompendium Hukum Tentang Lembaga Pemberantasan Korupsi" (Jakarta: Kementerian Hukum Dan Hak Asasi Manusia RI Badan Pembinaan Hukum Nasional, Septemper 2011), 2.

[4] Muhammad bin Idris Al-Syafi'i, *Al-Umm*, vol. 3 (ttp.: Dar al-Wafa, 2001), 149.

[5] Abu Dawud Sulaiman bin al-Asy'ats al-Sijistani, *Sunan Abi Dawud*, vol. 2 (Riyâdh: Bait al-Afkar al-Dawliyah, t.t), 20.

way of Allah, then we check the luggage, we find the beads of Jews who are not up to two dirhams." (HR. Abu Dāwud).

Based on the hadith, it is known that corruption is not only done in the present, but corruption has also been done in the time of the Prophet by people who are not committed to Islam. The Hadith indicates that the perpetrators of corruption are not turned on when they have died. That is the punishment for the perpetrators of corruption, because corruption is a dangerous act and more harm than good. Stealing, embezzling, or taking part of the spoils or other items that have not been distributed is ghulul, so anyone who does these things means to have committed corruption.[6]

The study of the hadith of corruption is very important to be revealed; how the hadith of the Prophet responds to the problem of corruption in Indonesia which is clearly closely related to the people. Hadith is the second source after the Qur'an which serves to explain the Qur'an, setting an example, making the figure of Muhammad as a figure who must be obeyed in establishing the law.[7]

Many writings that discuss about corruption in the study of the book, among others: Samsul Bahri "Wawasan al-Qur'an tentang Pemberantasan Korupsi". He examines the word facade by connecting the word to the Qur'anic verse that discusses the facade. This is done by taking four sample verses of the Qur'an. The results of this study stated that the Qur'anic insight on eradicating corruption is seen from the aspect of the ban on doing the facade. The deeds of the facade can be left dependent on the faith, morals, and awareness of society.[8]

[6] Badruddin Al-'Aini, *Umdat al-Qari Syarh Shahih Al-Bukhari*, vol. 22 (Beirut: Dar al-Kutub al-Ilmiyyah, 2001), 180.

[7] Rohmansyah, "Hadith Hermeneutic of Ali Mustafa Yaqub," *KALAM* 11, no. 1 (2017): 187–214, doi:http://dx.doi.org/10.24042/klm.v11i1.1053.

[8] Samsul Bahri, "Wawasan Al Qur'an tentang Pemberantasan Korupsi," *Ar-Raniry, International Journal of Islamic Studies* 4, no. 2 (2017): 337–358.

Next is Muh. Tasrif who examines the "Bentuk, Argumen Larangan, dan Upaya Penanggulangan Korupsi dalam Perspektif Hadith Nabi Saw". In this research he tried to look at forms of corruption with thematic-contextual approach, but he did not see from the aspect of the hadith as the basis for understanding the hadith of the Prophet. His research shows that not all corruption is known in the time of the Prophet, but note that the ban of corruption that is worldly and ukhrawi in this Prophetic hadith is a preventive, detective and curative measures as an effort to overcome corruption that occurred in the present.[9] Based on the explanations and facts, the authors argue that there has been no research that discusses corruption in detail from aspects of syarah and understanding of the ulama (both classical and contemporary). This provides an opportunity for writers to conduct research that is different from previous research.

Corruption is a serious problem that needs to get the attention of all Muslims. Corruption is not only the task of the Komisi Pemberantasan Korupsi (KPK) but all those who forbid and strongly condemn corruption (based on the Qur'an and the Hadith of the Prophet). Hadith is the basis of this study. Hadith is used to reveal the problems of corruption that occurred during the time of the Prophet through authentic hadiths. The formulation of the problem is: First, how are the forms of corruption narrated in the hadith of the Prophet?. Secondly, how did the scholars understand the hadith of the Prophet?. Thirdly, how is contextualization of the understanding of hadith about corruption?.

Research method in this paper is descriptive-analytical method. Descriptive-analytical method is a method that describes, describes, and interpret the hadith of the Prophet using the books of syarah and other supporting literature

[9] Muh. *Tasrif*, "Bentuk, Argumen Larangan, Dan Upaya Penanggulangan Korupsi Dalam Perspektif Hadis Nabi Saw," *Dialogia* 12, no. 1 (2014): 81–111.

so as to produce a correct understanding and contextualize the understanding to the present.

The definition of corruption

Corruption is defined differently by various circles such as academics as well as ulama (classical and contemporary). This difference in meaning proves that corruption has various forms from ancient times until now.

Corruption is etymologically known in Arabic as (إختلاسا - يختلس - إختلس) which means robbing, taking with trickery, stealing and pickpockets[10] or embezzlement of state property.[11] The word corrupt means rotten, corrupted, likes to use goods (money entrusted to it, can be bribed through power for personal interest). Meanwhile, according to Kamus Besar Bahasa Indonesia, corruption is a misappropriation or embezzlement (state money or company and so on for personal gain or others.) The perpetrator is called corruptor.[12]

In terminology, corruption is defined as the exploitation of power to gain advantage (utility or interest) in favor of individuals or groups in violation of applicable law or ethics.[13]

Corruption is a multi-dimensional phenomenon that is done in various ways. In general, corruption in the public sector involves abuse of authority by public officials for personal gain. It includes several acts, namely bribery, embezzlement, extortion, fraud, fun elements, dishonesty in illegal behavior.[14]

According to Otite, corruption is a perversion of integrity or state of affairs through bribery, certain interests or moral depravity involving additional transactions in order to alter the valuation and position of trust, perpetrated by the perpetrator and the recipient of informal, legal or illegal use of proceedings to facilitate an affair.[15]

Corruption Mentioned in the Hadith of the Prophet

The Prophet's hadith mentions the forms of corruption which all lead to a unity of purpose and purpose as defined above. In collecting the hadiths, the author refers to the nine books of hadith (*Kutub al-Tis'ah*). The forms of corruption in the hadith of the prophet are as follows:

1. Ghulūl

عَنْ مُصْعَبِ بْنِ سَعْدٍ، قَالَ: دَخَلَ عَبْدُ اللهِ بْنُ عُمَرَ عَلَى ابْنِ عَامِرٍ يَعُودُهُ وَهُوَ مَرِيضٌ فَقَالَ: أَلَا تَدْعُو اللهَ لِي يَا ابْنَ عُمَرَ؟ قَالَ: إِنِّي سَمِعْتُ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: لَا تُقْبَلُ صَلَاةٌ بِغَيْرِ طُهُورٍ وَلَا صَدَقَةٌ مِنْ غُلُولٍ، وَكُنْتَ عَلَى الْبَصْرَةِ (رواه مسلم، أبو داود، النسائي، وأحمد)

"From Mush'ab bin Sa'ad said, Abdullah ibn Umar visited Ibn Umar who was sick, and then he said: do you pray to Allah for me O Ibn Umar? He said, actually I heard the Prophet SAW said: There will be no unholy salts and alms from the embezzlement (corruption) while you know". (HR. Muslim, Abu Dāwud, al-Nasā'i and Aḥmad)

The hadith is narrated by Muslims in Sahih Muslim,[16] al-Nasa'i in Sunan al-Nasa'i,[17] and Ahmad bin Hanbal in Musnad Ahmad bin

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[10] Ibnu Manzhur, *Lisan al-'Arab* (Beirut: Dar Ihya al-Turats al-Arabi, t.t), 258.

[11] Ahmad Warson Munawwir, *Al Munawwir Kamus Arab-Indonesia* (Yogyakarta: Pustaka Progressif, 1984), 388.

[12] Tim Penyusun Kamus Pusat Pembinaan dan Pengembangan Bahasa, *Kamus Besar Bahasa Indonesia*, 2nd ed. (Jakarta: Balai Pustaka, 1994), 527.

[13] Mohammed Al-Momani, "Economic Corruption and Treatment Perspectives of Islam and Capitalism (Comparison Study)," *Journal of Economics and Development Studies* 3, no. 3 (2015): 125.

[14] Ibrahim Sada Ladan-Baki, "Corruption and Security Challenges in Developing Countries," International *Journal of Politics and Good Governance* 5, no. 2 (2014): 2.

[15] IbrahimSada Ladan-Baki, "Corruptionand Security Challenges in Developing Countries"..., 3.

[16] Abu Muslim bin al-Hajaj al-Qusyairi al-Naisaburi Al-Husain, *Shahih Muslim*, vol. 1 (Riyâdh: Bait al-Afkar al-Dawliyah, 1998), 201.

[17] Jalaluddin Al-Suyuthi, *Sunan Al-Nasa'i*, vol. 5 (Beirut: Dar al-Ma'rifah, t.t), 60.

Hanbal.[18] This Hadith is only sourced from the companions of Ibn Umar so that this Hadith is said to be Hadith ahad the gharib because it is narrated only by one of the Companions of the Prophet ie Ibn Umar. *Ghulūl* in Hadith means treachery and stole the spoils of war before being distributed. Imam al-Nawari quotes al-Qadhi Abu Bakar's view that ghulul means light treachery and alms committed using the treasure of ghulul is rejected. The person who does it gets punished as does the unclean prayer.[19] Anyone who does treason secretly means corruption.[20] According to Ibn Hajar, Allah will not accept charity except good deeds of effort, then his mukhaf mafhum means Allah will not accept the result of unholy and ghulul effort.[21]

2. Risywah

عَنْ أَبِى سَلَمَةَ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ لَعَنَ رَسُولُ اللَّهِ صلى الله عليه وسلم الرَّاشِيَ وَالْمُرْتَشِيَ (رواه أبو داود، الترمذي، إبن ماجه وأحمد)

"From Abu Salamah from Abdullah bin Amr said, Rasulullah SAW cursed the perpetrators of bribery and who were bribed". (HR. Abu Dāwud, al-Timiżi, Ibnu Mājah and Aḥmad).

The Hadith is narrated by Abu Dawud in Sunan Abu Dawud,[22] al-Tirmidzi in Sunan al-Tirmidzi,[23] Ibnu Majah in Sunan Ibnu Majah[24] and Ahmad bin Hanbal in Musnad Ahmad bin

Hanbal.[25] The hadith is sourced from Abdullah ibn Umar, Abu Hurairah and Tsauban so that this Hadith is termed Hadith ahad the famous.

Risywah is something given because of an interest to get something, like rank, position, money and others. In the Hadith mentioned there are two people who do risywah or bribe. The two men named al-Rashi and al-Murtasyi. Al-Rashi is the giver of *risywah* and *al-Murtasyi* is the recipient of risywah.[26] Ibn al-Jawzi adds that *al-Rasyi* is the one who gives something to a certain person in a vanity way and al-Murtasyi is the one who takes a gift, and someone between which is called *ra'isy*. Ra'isy is the one who always asks for extra bribes or asks for a reduction.[27] According to Ibn al-Arabi quoted by ibn Hajar al-Asqalani, *risywah* means everything that gives to get something (assistance) from people who have position in a way that is not kosher, while *al-Murtasyi* as the person who received it, *al-Rasyi* as giver and *al-Ra'isy* as mediators.[28]

The hadith gives a general idea that the people who engage in bribery are those whom the Messenger of Allah cursed them for causing something bad to others.

3. Betrayal

عَنْ عَبْدِ اللَّهِ بْنِ رَافِعٍ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَا يَجْتَمِعُ الْإِيمَانُ وَالْكُفْرُ فِي قَلْبِ امْرِئٍ وَلَا يَجْتَمِعُ الصِّدْقُ وَالْكَذِبُ جَمِيعًا وَلَا تَجْتَمِعُ الْخِيَانَةُ وَالْأَمَانَةُ جَمِيعًا (رواه أحمد)

"From Abdullah bin Rafi 'from Abu Hurayrah proclaims that Rasulullah SAW said: will not gather faith and kufr in one's

[18] Imam Ahmad bin Hanbal, *Musnad Al-Imam Ahmad Bin Hanbal*, vol. 1 (Beirut: al-Muassasah al-Risalah, 2001), 313.

[19] Abdurrahim Al-Mubarakfuri, *Tuhfat Al-Ahwadzi*, vol. 1 (Kairo: Dar al-Fikr, t.t), 22.

[20] Al-Khathib al-Amri Al-Tabrizi, *Misykat Al-Mashabih*, vol. 2 (ttp.: t.p., t.t), 42.

[21] Ahmad bin Hajar al-Asqalani Hajar, *Fath Al-Bari Bi Syarh Shahih Al-Bukhari*, vol. 3 (Beirut: Dar al-Ma'rifah, t.t), 278.

[22] Abu Dawud Sulaiman bin al-Asy'ats al-Sijistani, *Sunan Abi Dawud...*, 326.

[23] Muhammad *bin* Isa bin Saurah, *Sunan Al-Tirmidzi*, vol. 3 (Riyâdh: Maktabah al-Ma'rifah, t.t), 622.

[24] *Muhammad* bin Yazid Al-Qazwini, *Sunan Ibnu Majah*, vol. 1 (Riyâdh: Dar al-Ma'rifah, t.t), 775.

[25] Ahmad Ahmad bin Hanbal, *Musnad al-Imam Ahmad bin Hanbal...*, vol. 11, 87.

[26] *Muhammad* Abdurrahman bin Abdurrahim al-Mubārakfuri,*Tuhfah al-Wadzi Syarh Jami' al-Tirmidzi...*, vol. 4, 471.

[27] Ibnu Al-Jauzi, *Gharib Al-Hadits* (Beirut: Dar al-Kutub al-Ilmiyyah, 1985), 395.

[28] Ahmad bin Ali bin Hajar al-Asqalāni, *Fath al-Bāri bi Syarh al-Bukhāri....*, vol. 5, 221.

heart, do not gather honesty and lies all and will not come together also betrayal and amanah all". (HR. Aḥmad)

This hadith is narrated only by Imam Ahmad bin Hanab from Abu Hairah.[29] Treason is one of the acts of corruption in which a person abuses the trust/ responsibility of his position or position. Such actions are categorized as hypocritical deeds. The treacherous means the opposite of the mandate, the treacherous is the one who always lies. It is said that Aziz's wife had lied by saying that Joseph had come to her. If she said that she came to Joseph, then she is an honest and trustworthy person.[30]

Betrayal is an act of denying the truth. The dissemination of power/ position is treacherous. When a person gets trust or trust from another person to hold the money of an institution then take/ steal some of the money, then it means he has done corruption by violating the mandate given to him.

4. Saraqah

عَنْ عُرْوَةَ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ قُرَيْشًا أَهَمَّتْهُمْ الْمَرْأَةُ الْمَخْزُومِيَّةُ الَّتِي سَرَقَتْ فَقَالُوا مَنْ يُكَلِّمُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمَنْ يَجْتَرِئُ عَلَيْهِ إِلَّا أُسَامَةُ بْنُ زَيْدٍ حِبُّ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَكَلَّمَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ أَتَشْفَعُ فِي حَدٍّ مِنْ حُدُودِ اللَّهِ ثُمَّ قَامَ فَخَطَبَ قَالَ يَا أَيُّهَا النَّاسُ إِنَّمَا ضَلَّ مَنْ قَبْلَكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ الشَّرِيفُ تَرَكُوهُ وَإِذَا سَرَقَ الضَّعِيفُ فِيهِمْ أَقَامُوا عَلَيْهِ الْحَدَّ وَايْمُ اللَّهِ لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سَرَقَتْ لَقَطَعَ مُحَمَّدٌ يَدَهَا[31]

"From Urwah from Aisha ra, that Quraish people who are attracted by stolen mahzumiyah women, they say, it is not people who dare to speak to the Messenger of Allah except Osama bin Zaid a beloved of the Prophet SAW, then he spoke to Rasululah SAW, then he said: Do you help the law (punishment) of the laws of God, then he stood up saying: O people, stray before you are only those who when the noble (the rich) steal them let it and if there is a weak person stealing among them, they upheld their punishment. For Allah's sake if Fatimah binti Muhammad steal, then really Muhammad will cut off his hand". (HR. Al-Bukhari).

This hadith is also narrated by Muslim [32] which explains to all men that a lost person is a person who does not uphold God's law by allowing a high-ranking thief or a rich man, but they uphold the law of God when the theft is a weak or poor person. The majority of ulama argue that when a law has reached the priest it is obliged to enforce it because it is related to the obligation to God so that he cannot help the one who broke the law of God.[33] The hadith tells of a woman who likes to steal and become the attention of the Quraysh, she is Fatimah bint al-Asad ibn Abdillah ibn Umar ibn Makhzum. He is the sister of Abi Salamah bin Abd al-Asad, a noble man who became the husband of Umi Salamah before the Prophet. His father was a non-Muslim and later died of being killed by Hamzah bin Abdul Muthalib during the Battle of Badr.[34]

5. Gift

عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ أَبِي حُمَيْدٍ السَّاعِدِيِّ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ هَدَايَا الْعُمَّالِ غُلُولٌ (رواه أحمد)

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[29] Muhammad Syams al-Haq al-Azhim Abadi, *Aun Al-Ma'bud* (al-Mamlakah al-'Arabiyah al-Su'udiyah: Maktabah Salafiyah bi al-Madinah al-Munawwarah, 1969), 1.

[30] Taqiyyuddin Ahmad bin Taimiyyah Al-Harani, *Majmu' Fatawa*, vol. 15 (Al-Manshurah: Dar al-Wafa, 2005), 142.

[31] Muhammad bin Ismail bin Ibrahim bin al-Mughirah al-Ju'fi al-*Bukhari* Bin, *Shahih Al-Bukhari*, vol. 4 (Beirut: Dar al-Thuq al-Najah, 1422), 175.

[32] Al-Husain, *Shahih Muslim…*, vol. 3, 1315.

[33] Abul Husain Ali bin Abdul Malik Khalaf, *Syarh Shahih Al-Bukhari li Ibni Bathal*, vol. 8 (Riyādh: Maktabah al-Rusyd, 2003), 408.

[34] Badruddin Abi Muhammad Mahmud bin Ahmad al-'Aini, *'Umdah al-Qari Syarh Sahih al-Bukhari…*, vol. 34, 198.

"From Urwah bin Zubair from Abu Humaid al-Sa'idi, that Rasulullah SAW said: the prize received by officials is embezzlement". (HR. Aḥmad).

This hadith indicates that giving one to the ruler or vice versa, a leader who accepts gifts because it is an act of betrayal of his leadership and violates the mandate.[35] This hadith is also related to the Hadith narrated by al-Bukhari from Abu Humaid al-Sa'idi, that the Prophet SAW once employed a man from Bani Asad named Utabiyah. The worker works as a charity division manager. When he came then he said "this is for you and this is a gift for me". Then the Prophet said: it will never be noticed the one we sent, and then he came by saying this for you and this for me. A person like him will return on the Day of Judgment in a state of carrying something around his neck (like an animal).[36]

The person who does corruption in any form, then he would get a reply from God's worth of his deeds. Replies or laws for the perpetrators of corruption textually apply in the afterlife. However, Allah SWT also shows how some corruptors who do not show their innocence. Such behavior is also done by Utaibiyah. He distributes money to his friends when the money he shares is money from corruption.

Contextualization of Hadith's Understanding

Corruption is an act against the law, because it is done deliberately to get what is wanted by violating Islamic law and positive law. Islamic law has determined some of the things included in the category of corruption as written in the Hadith of the Prophet, namely ghulul, risywah, treason, saraqah and gifts. These four things contain the element of corruption that is usually done by people who have a high position.

Ghulul and treason are unlawful acts by treason. For example, an official betrays his people by taking money belonging to the people and not performing his duties as a state official. Such acts include corruption because it has violated the collective agreement which impact not only on economic issues but also on aspects of government in the life of nation and state. [37]

The treacherous context not only betrays the people, but also betrays God. God classifies such behavior on the hypocrites, where the hypocrites initially always seek attention and indulge in false promises, but after becoming leaders, they forget their existence. Yet every leader will be held accountable from the lead as mentioned in the Hadith of the Prophet:

"Every one of you is a leader and he will be held accountable about his people, every priest is a leader and he will be held accountable from his people. A husband is a dream for the family and is asked to take responsibility from the family, as well as a wife who becomes a leader in her husband's house and will be held accountable and the latter a maid becomes a leader in safeguarding his master's property and will be held accountable".[38]

Part of the act of corruption is risywah (gratification), that is someone who gives something to others with the intention that he can get what he wants. These include acts of corruption referred to in Act No. 3 of 1971 which have a broader scope, including giving and accepting bribes, cheating, crimes of office such as embezzlement of money and others.[39]

Majelis Ulama Indonesia (MUI) affirms that the risk or legal bribery is haram as in the Decision of the National Conference VI, risywah (bribery), ghulul (corruption), and

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[35] Abu Zakaria bin Syarf bin Mari al-Nawawi Yahya, *Syarh Al-Nawawi 'Ala Muslim*, vol. 12 (Kairo: al-Mathba'ah al-Mishriyah bi al-Azhar, 1929), 219.

[36] Muhammad bin Ismail bin Ibrahim bin al-Mughirah al-Ju'fi al-Bukhari Bin, *Shahih Al-Bukhari*, vol. 8 (Beirut: Dar al-Thuq al-Najah, 1422), 70.

[37] M. Helmi Umam, "Pandangan Islam Tentang Korupsi," *Teosofi* 3, no. 2 (2013), 464.

[38] Muhammad bin Ismail bin Mughirah al-Ju'fi al-Bukhari, *Shahih al-Bukhari...*, vol. 3, 120.

[39] Romziatussa'adah, "Pemberantasan Korupsi Perspektif Hukum Pidana Islam," *Nurani* 14, no. 1 (2014): 122.

reward to the official who essentially is: First, give risywah and accept the punishment is haram. Secondly, doing the legal corruption is haram.[40] The verdict clearly shows that bribery is corruption.

Risywah is a finger which is a corruption act not only mentioned in the article of Corruption Act, but has been established in the time of Prophet Muhammad SAW. In various Hadiths, the sanction of the perpetrators of gratification is hell. But right now, hell is not a scary thing for corruptors. Risywah is something that is given in order to realize the benefit, and a given in order to justify the wrong and blame the right.[41] Based on the above, it is quite natural that the perpetrator will be punished by the punishment of ta'zir namely the death penalty; based on the agreement among the scholars of the Hanafiyah, Shafi'iyah, Malikiyah and Hanbaliyah.[42]

Another form of corruption is gift giving. The prize in question is a gift given to a particular party for on the basis of personal, group and political interests. Gifts given have risywah elements so called as a bribe. So it can be said bribery and structural violations are committed by public officials who receive something personally valuable from a person with an agreement for a profit.[43]

Saraqah is an act of theft that often arises and occurs at all levels. The motive is the same, that is want to have something quickly and easily. Efforts to deal with corrupt perpetrators in Indonesia seem unfair. Fast and decisive legal proceedings can be made when the perpetrators are ordinary people (not rich and not high-ranking). But if the perpetrator is a person who

has an important and rich position, then the legal process will be long and produce legal decisions that seem unfair. This is obviously common in Indonesia, whereas it is contrary to the handling of the Prophet. The Prophet upheld the law even to his son Fatimah, he said, if Fatimah bint Muhammad stole then really Muhammad will cut off his hand. In this case, theft and corruption are the same; according to Islam, the proper punishment for such action is cut off his hand (law of had), as the word of Allah SWT:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

"And male thieves and thieves, then you should cut off both hands in return for what they do and torment from Allah, and Allah is Mighty, Wise". (QS. Al-Maidah (5): 38).

Corruption is a high level of theft committed only by public officials, so in this context, the perpetrators of corruption may be punished for violating the law and harming the state finances as regulated in Article 2 of Law Number 31 Year 1999 concerning the Corruption Act containing: *"Any person who unlawfully commits an act of enrichment of himself or another person or a corporation that may harm the state or economy of the state, is sentenced to life imprisonment or imprisonment of a minimum of 4 (four) years and a maximum of 20 (twenty) and a fine at least Rp 200,000,000.00 (two hundred million rupiahs) and a maximum of Rp 1,000,000,000.00 (one billion)".*[44]

The law explicitly states "Take harm to others". One of the other harmful actions is to commit theft. Therefore, it is not wrong for Muhammadiyah to mention in the book of Fikih Anti Korupsi that theft is part of corruption forms. On another occasion, it is said that sariqah or theft includes the actions of

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[40] Sumarwoto, "Tinjauan Hukum Islam terhadap Tindak Pidana Korupsi," *Journal: RECHSTAAT Ilmu Hukum Fakultas Hukum UNSA* 8, no. 2 (2014): 2–3.

[41] Ibrahim Unes, dkk, *al-Mu'jam al-Wasith*, vol. 1 (Kairo:Maktabah al-Syuruq al-Dawliyah, 2004), 348.

[42] M. Nurul Irfan, *Hukum Pidana Islam* (Jakarta: Amzah, 2016), 207-221.

[43] Alex Stein, "Corrupt Intentions: Bribery, Unlawful Gratuity, and Honest-Services Fraud," *Law & Contemporary Problems* 75, no. January (2012): 61–81.

[44] Ermansjah Djaja, *Memberantas Korupsi Bersama KPK (Komisi Pemberantasan Korupsi)*, vol. 2 (Jakarta: Sinar Grafika, 2013), 105.

the hudud finger (criminal offense for violating the limits of God's law), where the perpetrator can be punished by hand with the condition that 1) stolen property is movable and movable property- (2) stolen property is a valuable treasure, (3) stolen property is a treasure stored in a place commonly used to store property, and (4) stolen property is a treasure that has reached the limit of nishab.[45]

Various forms of corruption affect the social life of society, among others: First, the efficiency of waste of resources that can create ugliness and disrupt the policy. Second, redistribution by reallocating resources or money to rich people and rulers, military, police and people who have the power to monopolize. Third, there are incentives that disrupt civil servants and citizens toward seeking socially unproductive wages of corruption, and creating a higher risk of corruption. Fourth, the politics that cause alienation and cynicism of the community in creating government instability.[46]

Syed Hussein Alatas added that the influence of corruption is very bad because it can lead to various forms of injustice that affect each individual. In addition, corruption also fosters overall inefficiencies within the bureaucratic level.[47]

If corruption is seen from the aspect of sharia (*maqashid al-syari'ah*), then corruption in Indonesia is haram for harming oneself and others. Corruption is prohibited because it contains elements risywah, theft, and iftikar (hoarding). *Maqashid syari'ah* in *Hifzh al-Māl* (keeping the possession)[48] consists of three important objectives: First, Maintain the treasures in the rank of dharūriyyah, such as

the procedure of possession of property and the prohibition of taking other people's property in an unauthorized manner. If this rule is violated it will result in the threatening of the existence of property. Second, maintain in the rank of hājiyyah, such as the rules of sale and purchase by greeting. If this way is not implemented, it will not threaten the existence of property, but will make it difficult for people who need capital. Third, maintain in the rank tahsīniyyah, as the provision in avoiding themselves from fraud. It is very closely related to business ethics. This will also affect the validity of the sale and purchase, because the third rank is also a requirement of the second and first rank.[49]

Treasure is one of the core needs in life, where man can not be separated from it. Humans are motivated to seek treasure in order to maintain its existence and gain worldly pleasure (some people think not to put religion between themselves and property). However, all these motivations are limited by three conditions, that is, property is collected in a lawful manner, used for lawful matters, and from this property must be excluded the rights of God and the society in which he lives.

The protection of the good property includes two things: First, having the right to be guarded from his enemies, whether from theft, robbery, or other actions such as eating the property of others either by Muslims or non-Muslims in a vanity way, such as robbing, cheating and monopolizing. Second, the treasure is used for things without any element of waste or cheat for things that permitted God. Then this treasure should not be spent on wickedness, booze, or gambling and other immoral acts.

Conclusion

Based on the above description can be concluded that: *First,* the forms of corruption in the

[45] M. Nurul Irfan, *Korupsi dalam Hukum Pidana Islam* (Jakarta: Amzah, 2014), 120.

[46] Robert Klitgaard, Controlling Corruption, terj. Hermoyo (Jakarta: Yayasan Obor Indonesia, 2001), 61.

[47] Syed Hussein Alatas, *Korupsi: Sifat, Sebab Dan Fungsi* (Jakarta: LP3ES, 1987), 177-185.

[48] Wahbah Al-Zuhaili, *Al-Fiqh Al-Islami Wa Adillatuhu* (Damaskus: Dar al-Fikr, 1984), 104.

[49] Fathurrahman Djamil, *Metode Ijtihad Majlis Tarjih Muhammadiyah* (Jakarta: Logos Publishing House, 1995), 41-44.

Hadith of the prophet is *ghulul* (embezzlement), treason, *risywah*, sariqah and gifts. *Secondly,* all the scholars including the cleric Hadith agreed that all forms of corruption are acts of religious violation so that the perpetrators must get the appropriate punishment. *Third,* the Hadith on corruption must be understood contextually; corruption cases not only occur during the time of the Prophet, but also occur in the present. Corruption greatly affects aspects of injustice in life, the implementation of bureaucracy and others. *Fourth,* from the aspect of maqashid shariah aimed to maintain property (*hifzh al-Mal*) both in aspects of *dharuriyah*, *hajiyah* and *tahsiniyah*.

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