

# Makalah Pa Dedi Jurnal al-Afkar

*by Jurnal al-Afkar*

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## THOUGHTS OF MADZHAB IMAMS ABOUT CORRUPTION AND ITS SANCTIONS (Preventive Measures Against Corruption)

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### ABSTRACT

This research was done to find out what Imams of Madzhab thought about corruption and what their basic beliefs were. Normative juridical research was used to study this, and the conclusion was that corruption violates sharia. Shari'a Islam aims to protect human health by ensuring that what is called maqashidussy syaria'ah is realized. In broader terms, corruption practices go against principles of fairness, accountability, and responsibility. Corruption can have a negative impact on the life of the state and society, leading to damage in advance. The rationale for punishment for perpetrators of corruption according to the Imams of Madzhab is to place corruption in the category of takzir takzir. Takzir is a legal sanction that is imposed on a person who commits a crime that violates both Allah's rights and human rights. This form of sanction is not explicitly determined in the texts of the Quran and hadith, because no specific determination has been made. This means that the decision to impose it is left to the discretion of the judge or local authorities. Takzir legal sanctions can take a number of forms, such as imprisonment, ending punishment, entering a list of people, or legal dismissal.

**Keywords** : Corruption, Imam Madzhab and Sanctions.

### INTRODUCTION

The government has also passed regulations that deal with how to implement community participation in the fight against corruption, and how to manage human resources in order to fight corruption. In 1971, a law was passed that explained how to fight corruption. This law, called Law Number 31, is still in effect today. In 1999, a new law was passed that gave harsher punishments for corruption. Law Number 20 of 2001 is the most recent law to deal with corruption. However, the sanctions in this law are much lighter than those in Law Number 31.

At the level of Islamic law, Islamic scholars have studied different areas of law, such as corruption. The four leading schools of Islamic law, known as the Ja'fariyah, Dzahiriyah, Ja'fariyah, and Ahmadiyah, all agree on the basic principles of Islamic law. This means that any differences of opinion between these schools of thought are minor and can be resolved by following the basic principles of Islam.

This country is a country based on belief in the One and Only God. Because that is really naive when putting aside religious teachings as a solution to awaken corruptors while eradicating the roots of corruption. In Islam, corrupt behavior is expressly prohibited, as was narrated by the hadith of the Prophet by Ibn abbot ra The Messenger of Allah said, " A body that is fed with unclean things will not enter paradise. (Abu Fida: 2006). The word of Allah is in the Al-Quran sura Al-Baqarah

paragraph 188, which means: " And do not be part of, you eat the property of some of the others among you with road which vanity and (don't) you bring (affairs) the property to the judge, so that you may eat part of the property people other that with (road commit) sin, even though you know."

Even though there have been many efforts made by the government and religious approaches are even clearly banned, corruption always occurs well in terms of the quantity of cases that occur and the quality of criminal acts of corruption committed by perpetrators tends to be more systematic, more widespread, and more destructive in every line of public life and public life. From the description above, the writer feels interested in studying by choosing the title " Thoughts of Imam Madzhab About Corruption and Sanctions".

## **METHODOLOGY**

In writing this research, the author focuses more on normative juridical research by looking at the provisions of regulations in the field of Islamic Criminal Law and the ideas of the Imams of Madzhab.

## **RESULTS AND DISCUSSION**

Corruption and the Sanctions According to Imam Madzhab

Islam is a religion that is based on mercy, and it covers everything that exists on Earth. This is different from other religions, which have rules that govern how people should behave in order to escape punishment in the afterlife. Islam is based on the belief that all humans have a connection to Allah (God), and that salvation is a goal that everyone can reach.

Islamic law (shari'a) says that it is wrong to take money or other assets from other people without giving them fair compensation. This is especially important when dealing with government officials or other people who have power. It is also important to avoid bringing any legal matters into public attention, in order to avoid embarrassing or harming other people.

There isn't a single event that isn't regulated in Islam, unless there's Allah's law."( Abdul Ghofur Anshori, 2008). Imam Madzhab views corruption as a heinous act. Corruption in the environment of the Islamic religion is the same as a facade, videlicet an act that destroys order. The law of acts of corruption, in my opinion, pastoral justice, in a way of plaudit and agreement( Ijma') is haram because it's contrary to the principle of maqashidussysyari'ah. The prohibition of corruption could be reviewed by colorful people. In the first aspect, acts of corruption are fraudulent and fraudulent acts that have the eventuality to harm state finances and public( community) interests. Who was blamed by God with discipline is fitting in henceforth.( Setiawan Budi Utomo 2003).

Prophet Muhammad threatened that whoever pollutes the country's property will become a coal of hell for him, and that Allah will not accept his actions that begin with his results of polluting. An example is by Caliph Umar bin Abdul Aziz (63-102 H) who ordered his daughter to give the gold necklace donated by the superintendent of state treasury (Baytul Mall) as a sign and honor to her father.

Literary terms of corruption are, of course, not found in Islamic commentary, but the essence and parallels can be sought in Islam. As cited by Al-Naim in his book Ash Hapsin, corruption is commonly understood as an illegal act with the intention of enriching yourself, other individuals or corporations, harming the country or the

country's economy. From the point of view of Islamic law, forms of corruption can be classified under the names of ar-risywah, al-maksu and al-ghulul. (Abu Fida: 2006).

### **Forms of Sanctions for Criminal offenders according to the Imams of Madzhab**

There are attempts to develop innovative interpretations of dynamics or forms of criminal Islam, as well as traditional Islamic methods of punishment specified in the Qur'an and As-Sunnah. From this it can be concluded that traditionally there are several forms of criminal Islam, including: criminal kishash on the soul, criminal kishash on the agency, criminal launch (loss of fine change), criminal death, criminal crucifixion, criminal stoning. Death (stoning), felony amputation of hands or feet, felony amputation of hands or feet, felony banishment or exclusion, felony imprisonment for life, felony whipping or flogging, felony commutation of fine, felony reprimand or warning, penalty Hitting or assaulting, criminal responsibility (kaffarah), collection of crimes other (takzir), other criminal forms that can develop as a consequence from the crime takzir.

Illegal forms of punishment that may constitute additional punishments in the context of aggravation of existing criminal content or may create completely new criminal offenders. This takseer punishment is, in essence, a crime threatened with crimes for which there is no criminal provision in the Qur'an and Hadith yet. (H. Taufiq: 1999).

Takzir originates from at-Ta'zir (literally), meaning exaltation and help. (Muhammad Sayyid Sabiq: 2011) p Corresponds to the word God swt, which means: "All of you have faith in God His Apostle, strengthening His (religion)." QS Al-fath: 9. Takseer in that verse means glorifying and helping religion. If it is said "Azzara fulanun fulanan", it can also mean insulting Allah swt, it means that so and so was condemned, as a warning and a lesson for that mistake he made. The definition of takseer according to Sarah is a punishment characterized by sin not explained by hadd (acceptance) and expiation (repentance). In addition, it can also be said that it is a punishment imposed by the government (priest) following a criminal or sin for which the sanctions of the religion are not specified or the punishment is prescribed but does not meet the requirements of imposing sanctions. It is prescribed as takseer by the history of Baaz bin Hakim's grandfather, that the Prophet once witnessed the detention of an accused. Detaining this person is a preventive measure until the truth is clear. Khattab, son of Omar, also executes takseer and is described as immoral (which has no punishment of its own, it is determined by which syara' ) hair (irregular), exile, beating, education in a shop like him. Selling Khmer (liquor) is what was done there due to the immorality of the date palm. Omar also made dirah (punch tool) for those who deserved to be beaten, established prisons, and beat women who wanted to mourn their dead bodies until they looked at her hair. The three Imams of the Madhhab say that the law of Takseer is obligatory. Meanwhile, Imam Shafi'i says that the law of takseer is not obligatory. (Muhammad Syed Sabiq: 2011).

Takzir following criminal corruption can be classified according to weight and the lightness of the, or the consequences caused. Among them:

a). reproach and Reprimand/ Warning. Punishments are dropped to perpetrators of certain crimes and are assessed as mild but considered harmful to others. Warnings to educate perpetrators, threaten the perpetrator criminals if he repeats his crimes with threats of imprisonment, flogging, until at the threat of the heaviest punishment.

The penalty can be enforced for perpetrators' criminal actions are light. Para cleric. There is which state 6 months, while other scholars are of the opinion that it should not exceed one year, and according to other groups the determination is left to government.

b). Death penalty. Sometimes the form of takzir punishment can be in the form of a death penalty. The punishment can be imposed if the benefit really wants it. As for corruption cases, the death penalty can be imposed when a country is in an emergency or crisis. (Muhammadiyah: 2010).

## CONCLUSION

Islamic Shariah aims to benefit mankind with what is called Makashidussi Shariah. From the perspective of the wider context of Islamic teachings, corruption is an act that goes against the principles of justice, accountability and responsibility. Corruption and all its negative effects cause various distortions in life, country and society, which can be classified as mischief on the earth (face) which may be cursed by Allah.

The Imams of the Madzhab place corruption in the category of takzir takzir. Takzir is a legal sanction that is imposed on a person who commits a criminal act violation both related to the rights of Allah SWT and human rights, and these violations The form of punishment is not clearly defined in in nash Al-Qur'an and hadiths because they are not strictly determined, the takzir becomes the competence of the judge or local authorities. Takzir legal sanctions can be in the form of prison sentences, fines, inclusion in the list of disgraceful persons, dismissal laws, and even death punishment.

## Suggestion

The perpetrators of corruption must realize that corruption is an act that violates religious rules, and is contrary to the principle of benefiting people. Corruption is an act that is cursed and hated by Allah. The spirit of Islam, to fight corruption, must be called by various chance, short said, Islam commands to stay away from corruption must be an important element in agenda preaching Islam. Education also plays an important role in shaping the mentality, values and culture of society. The world of education must be actively involved in solving the problem of rampant corruption. The world of education must review itself to find answers why education in Indonesia gave birth to such many corrupt people. Weaknesses that cause the world of education fail to produce a clever nation's children at the same time as virtuous. Time has already been corrected, the anti-corruption movement is also important to be part of teaching and learning activities in various schools. If no enter enter in the education curriculum, very none of extracurricular activity. Very strict sanctions contained in the law of criminal Islam can become an option for adoption into law following criminal corruption.

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