

LEGAL CONSEQUENCES OF CORRUPTION IN THE AL-QUR'ĀN; *KHĀFĪ ALFĀZ* APPROACH TO THE CORRUPTION VERSES

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Abstract: The term corruption is known in modern society and was not found in the early days and development of Islam. In Indonesia, many corrupt practices were found around 1950. Furthermore, in relation to its legal arguments, al-Qur'an does not directly mention laws and sanctions for corruptors. Therefore there are many differences of opinion in determining the sentence. This research will discuss and explore the laws and sanctions for corruptors from the four verses of the Qur'an, namely QS. Āli 'Imrān [3]: 161, QS. Al-Nisā '[4]: 29, QS. Al-Baqarah [2]: 188, and QS. Al-Māidah [5]: 38 using the *khafī alfāz* interpretation approach. By using thematic methods and liberative hermeneutics, this study finds a conclusion that the law of corruption is the same as *al-sāriq* and the legal consequences are the same as thieves, namely punishment (cutting off hands) or imprisonment.

Keywords: *corruption; khafī alfāz; al-Qur'an.*

Introduction

Al-Qur'an is a book of laws and guidelines for all Muslims that regulate all aspects of human life. (Surah Al-An'am [6]: 38), not only regulates vertical relationship (which is related to Allah SWT.), But also horizontal (relations with each other). To understand the Qur'an, one needs the knowledge of exegesis in order to understand hidden meanings that are not foreseen and foreseeable beforehand — even by nonarab people whose culture and language are not Arabic. History has proven that many scholars of the Qur'an have succeeded in becoming a reference in the field of the Qur'an and Arabic even though the culture and mother tongue is 'ajam. related to this, Allah swt. indeed promised that He would facilitate the understanding of the Qur'an for those who wish to make it a lesson, so that Allah will bestow bounties and help him understand this main book (Surah al-Qamar [54]: 17-22 and 32-40).

In conveying its message, al-Qur'an uses *ustūb* or a very beautiful and diverse language model. Of course, the *ustūb* variety has its own purposes and conditions. Therefore, to understand the meaning in it, the reader must master some knowledge and several rules in interpreting the Qur'an. Included from the several rules of interpretation are the rules of *khafī alfāz*.¹ *Khafī alfāz* is a *lafz* whose legal instructions or propositions are not clearly stated (vague).² On the other hand, it is *wudūh alfāz*, which is a *lafz* whose legal instructions or propositions are clearly stated. In this study, we will discuss the verses about *al-sāriq* using the *khafī afāz* principle approach. *Khafī* is a *naṣṣ* which has no clear meaning, because something new came later.

In Sura al-Māidah verse 38, it is explained about the punishment for those who steal (*al-sāriq*). What is meant by *lafz al-sāriq* is taking treasure in a hidden or stored place, by secretly or in secret.³ In accordance with this *naṣṣ*, the thief will be subject to

¹ Ahmad Fawaid, "Kaidah Mutarâdif Al-Alfâz Dalam Al-Qur'an," *Mutawatir: Jurnal Keilmuan Tafsir Hadith* 5, no. 1 (2015): 142–57.

² Khālid' Abd al-Rahmān Al-Akk, *Uṣūl Al-Tafsīr Wa Qawā'idubu* (Beirūt: Dār al-Nafāis, 1986), 343.

³ Wahbah Al-Zuhailī, *Al-Tafsīr Al-Munīr* (Damaskus: Dār al-Fikr, 2009). III., 350.

cutting off his hand. Such is the text of the verse (*wuḍūḥ al-fāz*) that those who are cut off their hands are those who take other people's property in a secret and hidden way. Along with the passage of time and the development of the times, the reality is that we find there are many modes that a person takes to take things that are not their right. The various modes that emerged later, eventually became new terms from *lafẓ al-sāriq*. Sometimes it is done by robbing, pickpocketing, taking the shroud from the grave, or even what is happening now in the wilds of the world, including in Indonesia, is a practice of corruption.

Corruption is no stranger to our ears. Various media, television, and social media, have often broadcast news about this. The perpetrators are not half-hearted, they are those with ties. Corruption is often coupled with two other words, namely collusion and nepotism, so that there are terms corruption, collusion and nepotism which are commonly referred to as KKN. Our country - according to the corruption perception index - shows that Indonesia ranks ninety, among several countries in the world that frequently commit acts of corruption.⁴ The corruptors, robbers, thieves, and others are one of the terms that only came after the meaning of *al-sāriq*. With the new terms comes for theft meaning, then the question arises whether corruption can be categorized as *al-sāriq* and what are the legal consequences it will cause?

This article will answer the two questions mentioned above by using the approach of one of the interpretation rules, *keḥafī al-fāz* and also will try to discuss corruption which is one of the new terms of *al-sāriq*, especially the corrupt practices that often occur around us. As a methodological step, this article uses two methods as a tool to understand corruption verses from the perspective of the Qur'an, that is the thematic method and liberative hermeneutics. The thematic method is used to sort and select the verses of the al-Qur'an that are in accordance with the theme, namely corruption, while the liberative hermeneutic method is used to analyze data from themes and verses that have been sorted

⁴ Elwi Danil, *Korupsi: Konsep, Tindak Pidana Dan Pemberantasannya* (PT. RajaGrafindo Persada, 2021), 176.

and selected using the first method and their relation to interpretation rules of *khafī al-fāz*

According to al-Farmawī, there are seven steps to apply thematic methods in the Qur'an: *First*, determining the problem or topic to be discussed (in this case taking the rights of others); *second*, compile verses related to the problem; *third*, compiling the sequence of verses according to the period of their descent accompanied by knowledge of his *asbāb al-Nuzūl*; *fourth*, understanding the correlation of these verses in their respective surahs; *fifth*, arrange the discussion in a perfect framework; *sixth*, completing the discussion with hadiths that are relevant to the subject matter; and *seventh*, compiling verses that have the same meaning, compromising verses that are *'am* and *kbās*, muthlaq with muqayyad, and compromising verses that are outwardly contradictory.⁵

An Overview of Corruption; Definition and History

Many scholars have defined corruption. Corruption and corruption are in another language, corruptus: that is, changing from a just, right, and honest condition to the opposite. Corruptio from the verb corrumpere, which means to rot, to break, to shake, to turn around, to bribe, one who is damaged, enticed or bribed.⁶ In French, as quoted by Budi Birahmat, corruption is known as corruption, while in Dutch it is known as corruptie (korruptie). According to Andi Hamzah, the word corruption, which is commonly used in Indonesian, is a plagiarism of the Dutch word korruptie.⁷

In the Kamus Besar Bahasa Indonesia (KBBI), corruption is misappropriation or misuse of state money (companies and so on)

⁵ Abd Basid, "PENINGKATAN TARIF HIDUP LAYAK MELALUI PRODUKTIVITAS BEKERJA PERSPEKTIF L-QUR'AN," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 21, no. 1 (2020): 173–92.

⁶ Hasan Su'aidi, "Tindak Pencurian Dan Korupsi Perspektif Kitab Tafsir Klasik, Tengah, Kontemporer," *AQWAL Journal of Qur'an and Hadis Studies* 1, no. 1 (2021).

⁷ Budi Birahmat and Syarial Dedi, "Korupsi Dalam Perspektif Alquran," *FOKUS Jurnal Kajian Keislaman Dan Kemasyarakatan* 3, no. 1 (2018): 65–85.

for personal gain or other people.⁸ In terms, Robert Klitgaard defines it as “corruption is the abuse of public power for personal gain”.⁹ In the criminal law, corruption is defined as a bad act such as embezzling money, receiving bribes and so on. Corruption is defined as a bad thing with a variety of meanings varying according to time, place and nation. This definition identifies any deviation from the norms accepted and adhered to by society with the aim of obtaining personal gain. Regarding this views, Azyumardi Azra quoted Syed Husein Alatas’ broader opinion: Corruption is the abuse of trust for personal gain.¹⁰

By looking at some of the previous definitions, it can be concluded that there are two modes and models of corrupt practices, that are: a) taking and exercising the rights of others without the knowledge of the owner; and b) unlawful abuse of authority, position, or mandate to obtain personal and or group gain or benefit which may harm the public interest.

In the history of corruption, the term corruption can be found as a modern term, but the form of corruption itself has been around for a long time. About two thousand years ago, an Indian who was noted as prime minister, wrote a book entitled “Arthashastra” which discusses the problem of corruption at that time. In Islamic literature, in the 7th century Prophet Muhammad has also warned his friends to abandon all forms of actions that harm others which have become known as part of corruption.¹¹

In the story of Karkirah, Imām al-Bukhārī narrates the hadith about corruption as follows:

⁸ Pusat Bahasa Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia* (Jakarta: Balai Pustaka, 2002).

⁹ Zainul Arifin and Irsan Irsan, “Korupsi Perizinan Dalam Perjalanan Otonomi Daerah Di Indonesia,” *Lex Librum: Jurnal Ilmu Hukum* 5, no. 2 (2019): 887–96.

¹⁰ Syamsul Anwar, “Fikih Anti Korupsi Perspektif Ulama Muhammadiyah,” *Jakarta: Majelis Tarjih Dan Tajdid Pimpinan Pusat Muhammadiyah*, 2006.

¹¹ Romli Atmasasmita, *Sekitar Masalah Korupsi: Aspek Nasional Dan Aspek Internasional* (Mandar Maju, 2004).

عن عبد الله عمرو قال: كان على ثقل النبي رجل يقال له كركرة فمات، فقال النبي صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: هو في النار، فذهبوا ينظرون إليه فوجدوا عباءةً قد غلَّها.

It was narrated that ‘Abdullah bin ‘Amr said: “There was a man called Kirkah in charge of the goods of the Prophet, who died. The Prophet said: ‘He is in Hell.’ They went and looked, and found him wearing a garment or a cloak that he had stolen from the spoils of war.”

Karkirah, whose habit was to carry the Prophet’s items. During the war, when he died, it turned out that the Prophet was sentenced to hell, even the Prophet was reluctant to pray for him and asked the friends who prayed for him. Friends wonder, what on earth makes all his deeds in vain? After investigating, it turned out that Karkirah had hidden a piece of ghanimah (booty) clothing that had not been divided into parts. In the history of Abū Dāud ghanimah which Karkirah darkened in the form of jewelry that weighed less than 2 dirham.¹²

Besides that, at the time of the caliph ‘Umar ibn al-Khaṭṭāb r.a. Attempts to practice corruption have also been found, given the facts that Umar once ordered a friend named Maslamah to monitor the assets of government officials. this was the caliph’s attempt to eradicate corruption.

In Indonesia, corruption cases have become public consumption that can be obtained through various mass media. News about corruption cases is hardly overlooked and has made news headlines in various print and electronic media. In the General Explanation of Law Number 20 of 2001, as quoted by Elsa RM Toule, it is stated that corruption in Indonesia occurs systematically and extensively so that it is not only detrimental to state finances, but also violates the social and economic rights of the people large.¹³

¹² M A Amelia, “Korupsi Dalam Tinjauan Hukum Islam,” *JURIS (Jurnal Ilmiah Syaria)* 9, no. 1 (2017): 61–86.

¹³ Elsa R M Toule, “Eksistensi Ancaman Pidana Mati Dalam Undang-Undang Tindak Pidana Korupsi,” *Jurnal Hukum PRIORIS* 3, no. 3 (2016): 103–10.

Transparency International revealed that the Corruption Perception Index (CPI) in 2010 was 2.8 and was ranked 110 out of 178 countries. Transparency International Indonesia (TII) on Kamais (28/1/2021) released Indonesia's 2020 corruption perception index (CPI) at 37 with a ranking of 102. Compared to 2019 this index shows a decrease, namely down 3 points. However, even so, this condition still places the crime of corruption as an extra ordinary crime which must be tackled with extra methods.¹⁴

Looking at some of the historical facts above, it can be concluded that the practice of corruption has been found since the beginning of Islam, it's just that the term has not been in the form of corruption. al-Qur'an and hadith do not mention it through the verses and the text explicitly. Corruption cases are not clearly described in the al-Qur'an. For this reason, further research and contextualization of contemporary cases is needed.

Corruption verses in the al-Qur'an

Although there are no verses in the al-Qur'an that correspond to the meaning of corruption, after taking methodical steps for thematic interpretation according to al-Farmawī, several verses of the al-Qur'an are found related to the definition and practice of corruption, including:

First: QS. Āli 'Imrān [3]: 161:

وَمَا كَانَ لِنَبِيِّ أَنْ يُغْلَلْ وَمَنْ يُغْلَلْ يَأْتِ بِمَا عَلَّ يَوْمَ الْقِيَامَةِ ثُمَّ تُوَفَّى
كُلُّ نَفْسٍ مَا كَسَبَتْ وَهُمْ لَا يُظْلَمُونَ

No prophet could (ever) be false to his trust. If any person is so false, He shall, on the Day of Judgment, restore what he misappropriated; then shall every soul receive its due,- whatever it earned,- and none shall be dealt with unjustly.

¹⁴ "Indeks Persepsi Korupsi Indonesia Pada 2020 Turun Jadi 37, Peringkat 102 Di Dunia," accessed April 26, 2021, <https://nasional.kompas.com/read/2021/01/28/14120521/indeks-persepsi-korupsi-indonesia-pada-2020-turun-jadi-37-peringkat-102-di>.

According to Ibn Abbās, this verse was revealed during (after) the Battle of Badr. The people lost the thick cloth spoiled by the war and some of them (the hypocrites) said that Rasulullah saw. may have taken it. So Allah swt. lowered this verse and he was freed from the accusation. It cannot be Rasulullah SAW. do something like that because of Rasulullah saw. holy from all forms of treason in fulfilling the mandate, distributing spoils of war, as well as in other matters. Treason is a major sin and the prophet ma'shūm from such actions.

Regarding the magnitude of the sin of this act, the above verse says "If any person is so false, He shall, on the Day of Judgment, restore what he misappropriated", Ibn Kathīr said "in it there is a very strong threat". Even though the verse was revealed regarding spoils of war, it applies to all acts of corruption as explained by the scholars.¹⁵

Second: QS. Al-Nisā' [4]: 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً
عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

O ye who believe! Eat not up your property among yourselves in vanities: But let there be amongst you Traffic and trade by mutual good-will: Nor kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful!

This verse explains that Allah swt. forbidding humans not to eat other people's property in a vanity way. Corruption is an act of taking someone else's property using vanity. Because corruption is one of the actions that is very detrimental to many people.¹⁶

Third: QS. Al-Baqarah [2]: 188:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخُلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا
مِنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

¹⁵ Ibnu Kathir, *Tafsir Al-Qur'an Al-Adhim Juz II* (Beirut: Dar al-Kotob al-Ilmiyah, 2017), 412.

¹⁶ Ahmad Fawaid and Nafi'ah Mardlatillah, "Bias Ideologis Tafsir Hizb Al-Tahrir," *MAGHZA: Jurnal Ilmu Al-Qur'an Dan Tafsir* 5, no. 2 (2020): 184–209, <https://doi.org/10.24090/maghza.v5i2.4243>.

And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that ye may eat up wrongfully and knowingly a little of (other) people's property.

According to the *Nūrul Qur'ān* book that written by Alamah Kamal Faqih Imani, this verse prohibits Muslims from committing very bad actions. This verse tells us that it is not permissible to eat other people's property improperly (*batil*) and seek wealth in the wrong way. Besides that, it is not allowed to seize other people's property by force and unfairly then the oppressor (the person who seizes the property) complains to the judges so that they will give the judges something as a gift or a bribe with the aim of possessing someone else's property by means of violence. If such a situation occurs, he has committed two major wrongs: eating other people's rights and bribery.¹⁷

Fourth: QS. Al-Māidah [5]: 38

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

As to the thief, Male or female, cut off his or her hands: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in power.

This verse describes the punishment for those who take other people's property without the knowledge of the owner (thief), namely by cutting off their hands, as a reward and ransom for sins because they have violated Allah's prohibition not to steal.

In connection with this verse, Ibn Kathīr in his interpretation, *Tafsir al-Qur'an al-Karim*, explained that this verse was revealed regarding a woman who stole, so a person who claimed to be a victim of theft came and complained to the Prophet. by saying: "O Prophet, this woman has stolen our jewelery". So the women said "We will redeem it." The Prophet peace be upon him. said: "Cut off his hand". The people said: "We

¹⁷ Allamah Kamal Faqih Imani, "Tafsir Nurul Quran," *Jakarta: Al-Huda*, 2006., 94.

will redeem it with 500 dinars.” Then the Holy Prophet. said: “Cut off his hand”. So, cut off the right hand of the thief. Then the woman asked: “O Rasulallah, is there a way to repent for me?” The Prophet peace be upon him. replied: “Now you are no longer a sinner. You are as if you were just born from your mother’s stomach. Then come down the Q.S. Al-Māidah [5]: 38

Furthermore, from the several verses of corruption, it can be seen that several elements are inherent in corruption, including: *first*, the act of taking, hiding, embezzling the property of the state or society (Surah Al-Māidah [5]: 38); *second*, action against legitimate and valid norms (QS. Al-Baqarah [2]: 188 and QS. Al-Nisā [4]: 29); *third*, Abuse of power, authority, or trust that is in him (QS. Al-Nisā [4]: 29); *fourth*, for the sake of self, family, relatives, corporations or certain institutional institutions. Harming other parties, both society and the state (Surah Āli ‘Imrān [3]: 161).

***Khafi Alfāz* as a Narrative Research Methodology**

In the book *uṣūl al-tafsīr wa qawā'idub*, the method of *Khafi Alfāz* is categorized as *Mubbām al-Dalālah*. Linguistically, *mubbām* means vague or unclear,¹⁸ and *al-Dalālah*, means guidance. Meanwhile, according to the term, *mubbām al-Dalālah*, is a lafāz whose legal instructions or propositions are not clearly stated (vague). The disguise could be due to the obscurity of the lafāz itself or from not following *siḡbah*.¹⁹ Another definition mentioned by ‘Abdul Wahhāb Khallāf, *mubbām al-dilālah* is any proposition that does not show the original meaning of the lafaz, but its meaning is characteristic or can be known through other matters beyond the connotation of the lafaz.²⁰

Therefore, to understand the meaning of a verse, other instruments or tools that are outside the pronunciation are needed. *Khafi alfāz* is divided into five kinds. Among others: *Khafi*, *Mushkīl*, *Mujmal*, and *Mutashābih*. For the four kinds of *Khafi alfāz*, according to the problems of corruption and *al-sāriq* that will be studied,

¹⁸ Ahmad Warson Munawwir, *Al-Munawwir Kamus Arab – Indonesia* (Surabaya: Pustaka Progressif, 2018), 215.

¹⁹ Al-Akk, *Uṣūl Al-Tafsīr Wa Qawā'idubu*, 72.

²⁰ ‘Abd al-Wahhab Khallaf, *Ilmu Uṣūl Al-Fiqh* (Kairo: Maktabah al-Da’wah al-Islāmiyah, t.th), 68.

researchers will discuss more broadly about *kebafī*. Although some scholars' have classified *kebafī* as *mutashābih*.²¹

Meanwhile, *Kbafī* is a naṣṣ which is not clear in its meaning, because something new has come.²² Al-Sarkhasī in his book, said that what is meant by *khafī* is naṣṣ or *lafẓ* which is similar in meaning and the meaning of the pronunciation is vague. This is due to something new coming. *Lafẓ* or *naṣṣ* which is *kebafī* here will not have a clear meaning except through in-depth research or study (*al-naẓar wa al-ta'ammul*). The existence of *kebafī* in the al-Qur'an is due to a new term that does not match the original lafaz. The new term, can be a special term or name and it can be a lower term than that name.²³

In the al-Qur'an, there are many examples of verses that can be extracted by law through this *kebafī* rule approach. Among them are verses that explain adab to our parents. QS. al-Isrā [17]: 23:

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا إِمَّا يَبُلُغَنَّ عِنْدَكَ
الْكِبَرَ أَحَدُهُمَا أَوْ كِلَاهُمَا فَلَا تَقُلْ لَهُمَا أُفٍّ وَلَا تَنْهَرْهُمَا وَقُلْ لَهُمَا قَوْلًا
كَرِيمًا

Thy Lord hath decreed that ye worship none but Him, and that ye be kind to parents. Whether one or both of them attain old age in thy life, say not to them a word of contempt, nor repel them, but address them in terms of honour.

This verse contains a prohibition against saying the word “ah” to our parents. And nowadays, many new terms are also similar to “ah”. Like, ugly, stupid, lazy, and so on. These words are just coming terms. Allows the meaning to be higher than “ah” or vice versa, lower. In short, by using the *kebafī alfuẓ* principle, then uttering words of disrespect, offending, and hurting both parents, either softer or harsher than the word “ah”, the law remains the same, that is, equally prohibited.²⁴

²¹ M Quraish Shihab, *Kaidah Tafsir* (Tangerang: Lentera Hati Group, 2013), 82.

²² Abuddin Nata, *Studi Islam Komprehensif* (Prenada Media, 2015), 43.

²³ Al-Akk, *Usul Al-Tafsir Wa Qawā'idubu*, 433.

²⁴ al-Qurthubi, *Al-Jami' Li Ahkam Al-Qur'an Juz 1* (Beirut: ar-Risalah, 2006), 344.

***Khāfi Alfāz* Perspective on Corruption Verses**

Related to the data exposure in the previous discussion about corruption in the al-Qur'an, from the theory of corruption to its legal consequences, is implied in the four chapters of the Qur'an, namely the QS. Āli 'Imrān [3]: 161, QS. Al-Nisā [4]: 29, QS. Al-Baqarah [2]: 188, and QS. al-Māidah [5]: 38.

QS. Āli 'Imrān [3]: 161 implies that embezzlement of property is a form of corrupt practice. In this verse, the point of emphasis is the term *ghulul* which is defined as betrayal. Regarding this, al-Qurṭubī in the book *Tafsir al-Qurṭubī* explains that the word *ghulul* has two meanings: a) taking the booty (war) of others (*yu'khabhu min ghanimatih*) and b) desiring something in hiding (*ghalla sbai' fi khaba'*). From these two meanings it can be said that *ghulul* is betraying or stealing the booty secretly before it is distributed. But then, in language using the word *ghulul* in the sense of treason in general, both in carrying out the mandate given by the community or people and personally for personal sake.

More clearly, Rasulullah saw. extends the meaning of *ghulul* into two forms: *first*, commission, that is the act of taking something other than the salary that has been given. Regarding this, the Prophet said:

عن عبد الله بن بريدة عن أبيه عن النبي صلى الله عليه وسلم قال
من استعملناه على عمل فزقناه رزقا فما أخذ بعد ذلك فهو غلول

Narrated Buraidah: The Prophet as saying: When we appoint someone to an administrative post and provide him with an allowance, anything he takes beyond that is unfaithful dealing.

Second, Prize, which is a gift that a person gets because of his position. About this Rasulullah saw. Said:

هَدَايَا الْعُمَّالِ غُلُولٌ

Rewards received by officials are corruption (*ghulul*)

According to the Quraish Shihab, *ghulul* (treason), which is mentioned in this verse, was revealed at the time of the Uhud war, during which the Muslims suffered defeat. One of the factors for this defeat was a betrayal. The archers who were given the task (mandate) to remain in their position on the hill turned out to be

descending prematurely (there was a command) to take the spoils of war because they were afraid of being monopolized by other members of the army and according to other opinions because they were worried that Rasullah saw. won't share it.²⁵

Furthermore, Quraish Shihab added that the equivalent of *al-ghulūl* is *al-fāḍihah*, which means defiling and shame. This equivalent is very suitable when it is associated with acts of corruption because taking something that is not their right is indeed a very bad act (defamatory and shameful) and contrary to the principle of *lillāh ta'ālā* (striving in the nets of Allah swt.). From this it can then be concluded that *ghulūl* has an emphasis on betrayal of the trust that has been entrusted. The perpetrator of the *ghulūl* must be responsible for what he has hidden.²⁶

QS. Al-Nisā [4]: 29, implies that cheating is one form of corruption. The emphasis on this verse is the lafz "*amwāl*" (treasure) and "*bainakum*" (among you). The treasure case in this verse is about commerce and cooperation. Property is actually "belonging" together, in the sense that it must circulate and produce mutual benefits.

Therefore, in cooperation, assets should be illustrated as being in the middle (*bainakum*). Something that is between two sides should be in the middle. This is important because in working together each party tends to draw the one in the middle towards each other, even if possible they will be drawn as close as possible to their respective positions. For that, in QS. Al-Rahmān: 9 Allah gave the balance and ordered to "*bi al-qisṭ*" not "*bi al-adl*". This is important to be echoed because wealth can trigger someone to commit vanity and justify any means.

QS. Al-Baqarah: 188 implies that bribery is a form of corrupt practice. The emphasis point in this verse is "*tudlī*" or *al-idlā'*, which means lowering the bucket to get water. Ṭabaṭṭabā'ī explains that the notion of lowering the bucket into a source whose purpose is to get water is the same as the practice of bribery

²⁵ Shihab, *Kaidah Tafsir*, 315.

²⁶ M Quraish Shihab, *Tafsir Al-Misbah, Jakarta: Lentera Hati*, vol. 2 (Jakarta: Lentera Hati, 2002), 322.

which is carried out in secret.²⁷ This logic fits very well, because when a bucket is put in the well, no one else can see it. Thus, automatically, other people also do not know that a bucket is trying to take water (benefit) from the well. This is the same as the state of the practice of bribery which is deliberately disguised from the public so that the purpose of the bribery remains safe under control without anyone being suspicious and knowing.

Furthermore, in this verse there is also a prohibition against eating other people's possessions in a vanity way. Furthermore, when it is linked to corrupt practices, the meaning referred to in this paragraph is bribing judges and the like who have the power to exempt the bribe perpetrator from prosecution. Ironically, as stated in the text of this verse, the person who is bribed (judge) is not ignorant of that the act is wrong and vanity. However, because the judge received bribes, he then deceived himself and used his skills to defend people in paying bribes even if he was wrong. This act, which is currently known as the judicial mafia, has become an open secret. Facilitation payments given to prosecutors or judges seem to be a legal requirement for a trial. The court is now no longer an institution that tries to seek and uphold justice, but is an institution full of deception.

There is no definite explanation regarding the law of this bribery practice in the Qur'an. However, the presentation of *fi'il nabi* at the beginning of the verse in this discussion shows that this practice is haram to do, because it is detrimental to oneself and the people in general. QS. al-Mā'idah [5]: 38, implying punishment for the perpetrators of corruption with a sample sample of thieves (*al-sāriq*). What is meant by *lafẓ al-sāriq* is taking treasure in a hidden or stored place without the knowledge of the owner and by secretly or secretly. And according to the article, the thief will be subject to cutting off his hand.

In connection with theft cases, in modern times we see that there are many modes used by someone to take things that are not their right. Sometimes by robbing, pickpocketing, cheating, and what is familiar and rampant lately is corruption. This is what is meant by some new terms that do not match the original lafaz. In

²⁷ Husain Thabathabai, *Tafsir Al-Mizān Juẓ VIII* (Beirut: Muassasah al-Alami, 1997), 91.

many translated works and interpretations of the Qur'an, there are no translators and interpreters who interpret *sāriq* as corruption. However, that does not mean that the law and punishment for corruptors are not mentioned in the Qur'an. It's just that about this, the verse of the Qur'an sometimes requires verses and other tools to be captured by readers and interpreters.

Furthermore, looking at the definition of *al-sāriq* and its relation to the rules of *kbafī al-fāz*, pickpockets and thieves of the shroud in the grave can be called a lower term than *al-sāriq*. Pickpockets, take other people's belongings that are stored less neatly or less hidden. Meanwhile, the thief of the shroud in the grave takes things that are worthless and not where they are supposed to be stored. On the other hand, robbers can be said to be higher in character than *al-sāriq*. The robbers actually took the valuables belonging to other people by force and not secretly. The owner of the property is conscious. Likewise with corruption, taking property (money) that does not belong to him in a very "neat" and intriguing manner. As if in the public he did not practice theft.

Of these several new terms from "*al-sāriq*", it is necessary to conduct an in-depth study. So that we know whether something new is heavier or lower in meaning. Which then can also be determined the law and punishment for his actions.²⁸ Looking at the definition and elements of corruption that have been described above, of course, corruption is much higher in the type of criminal act than stealing, for the following reasons: *first*, the term stealing is more synonymous and is aimed at a person, making the consequences or punishment for his actions lighter. Unlike the case with corruption, which usually targets more at a group, agency or an institution; *second*, In addition, the amount taken from criminals is usually far greater than that of thieves; *third*, corruption is more general and has a wider range of objects. If stealing is identical to property, property, or nominal, then corruption is not the case. The elements of corruption are broader, apart from those

²⁸ Ibnu Kathir, *Tafsir Al-Qur'an Al-Adhim Juz IV* (Beirut: Dar al-Kotob al-Ilmiyah, 2017), 116.

mentioned in the case of theft, corruption also includes the abuse of power, authority or mandate that is in him.

Legal Consequences for Corruptors; some Qur'anic Perspective

Al-Qur'an does not explicitly mention the practice of corruption and legal sanctions for the perpetrators. However, implicitly and substantially, which is covered in the definition of corruption and the four paragraphs above and their terms, there are several sanctions for corruptors. The doer of *ghulul* (Surah *Āli 'Imrān* [3]: 161), which is then confirmed through the hadith of the Prophet. that the perpetrator of *Gulul* is sanctioned by not being disobeyed when he dies and his prayers and alms obtained from the *ghulul* property are not accepted. About this sanction is mentioned in a hadith:

عن مصعب بن سعد قال دخل عبد الله بن عمر على ابن عمر وهو مريض فقال ألا تدعو الله لي يا ابن عمر قال إني سمعت رسول الله صلى الله عليه وسلم يقول لا تقبل صلاة بغير طهور ولا صدقة من غلول.

It was narrated from Simak bin Harb, that Mus'ab bin Sa'd said: "'Abdullah bin 'Umar came to visit Ibn 'Amir when he was sick and he said: 'Won't you supplicate to Allah for me, O Ibn 'Umar?' He said: 'I heard the Messenger of Allah say: "No Salat is accepted without Wudu' (purification), and no charity (is accepted) that comes from Ghulul.

In another hadith it is mentioned:

عن زيد بن خالد الجهني أن رجلا من أصحاب النبي صلى الله عليه وسلم توفي يوم خيبر فذكروا ذلك لرسول الله صلى الله عليه وسلم فقال صلوا على صاحبكم فتغيرت وجوه الناس لذلك فقال إن صاحبكم غل في سبيل الله ففتشنا متاعه فوجدنا خرزاً من خرز يهود لا يساوي درهماين.

Narrated Zayd ibn Khalid al-Juhani: A man from the Companions of the Prophet died on the day of Khaybar. They mentioned the matter to the Messenger of Allah. He said: Offer prayer over your companion. When the faces of the people looked perplexed, he said: Your companion misappropriated booty in the path of Allah. We searched his belongings and found some Jewish beads not worth two dirhams.

The perpetrator of corruption (QS. Al-Baqarah [2]: 188) is not clearly cited regarding the legal sanction. It's just that, it is forbidden and haram considering the presentation of *fi'il nabī* at the beginning of this verse, because it is detrimental to oneself and the crowd. However, when it is related to rishwah which is the equivalent of the word *idlā'*, then there is a strict sanction made clear by the hadith of the Prophet. that the perpetrator of rishwah, whether bribed or bribed, will be cursed by Allah SWT. and later in the hereafter will be found in hell.

In another hadith it is mentioned:

عَنْ أَبِي هُرَيْرَةَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَعَنَ اللَّهُ الرَّاشِيَ
وَالْمُرْتَشِيَ فِي الْحُكْمِ.

The Messenger of Allah cursed the one who bribes and the one who takes a bribe

In another hadith narrated by Imām al-Ṭabrānī is mentioned:

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "الرَّاشِي
وَالْمُرْتَشِي فِي النَّارِ"

Narrated from 'Abdullah Ibn 'Umar, Said: Prophet Muhammad Said: bribes and the one who takes a bribe in hell.

Finally, the perpetrator of theft or taking the rights of others secretly (QS. Al-Māidah [5]: 38) is strictly sanctioned by the al-Qur'an by cutting off the hand, whether the thief is a man or a

woman. From the legal sanctions imposed on the perpetrators of one of the forms of corruption mentioned above, through the verses and hadiths of the Prophet, all of them are in the form of moral sanctions, namely the perpetrators of *ghubūl* who are not ignored when they die and the perpetrators of bribes with retribution from hell in the hereafter. There are no criminal sanctions that should be imposed on them. Criminal sanctions in the world are only emphasized on the perpetrators of theft, namely cutting off their hands in the last verse, QS. al-Mā'idah [5]: 38.

For that, from basing it on the text (al-Qur'an and hadith), it is necessary to formulate an anti-corruption interpretation, which can be based on one of the rules of interpretation, namely the rule of *khafī al-fāḥ*. With this, corruption whose scope and practice is broader than theft, which not only takes the rights of others secretly and secretly, with the principle of *khafī al-fāḥ* the penalty can be compared to a thief, namely the punishment of cutting off the hand. Simply put, even a thief is cut off his hand, let alone a corruptor who is more severe and harms many people.

From the explanation about thieves and corruptors using the *khafī al-fāḥ* approach above, it can be concluded that corruption in legal status and punishment is the same as a thief. If in the Qur'an, the law of stealing is considered a disgraceful act, then it is also an act of corruption. If in the Qur'an a thief is punished by cutting off his hand, then this is the case with the corruptor.

But what needs to be emphasized is that those who get sanctions are thieves and corruptors, not those who steal and those who are corrupt. Thieves and corruptors mean they are the ones who have repeatedly committed these despicable acts. In this sense, people who steal and commit corruption for the first time will not be subject to sanctions. For this reason, there is a point of difference between a thief and a person who steals and between a corruptor and a corrupt person. Regarding this point of difference, it can be logged and emphasized by the *munāsbah* (relationship) beginning and the end of the verse of the letter al-Mā'idah [5]: 38, namely *lafḥ al-sāriq* (beginning of the verse) and *ghafūr* (end of the verse), the attribute of Allah, the Most Forgiving.

In his interpretation, Al-Mishbah, M. Quraish Shihab quoted Imam Ghazali's opinion that *al-Ghaffār* is showing beauty and covering up ugliness. Sins are a part of the ugliness which He covers by not revealing one's badness in the world and putting aside their torments in the hereafter. Likewise, the sins of thieves and corruptors were originally covered by Allah by not showing their ugliness and attitude so that people and the government did not know them. However, because he repeatedly stole and committed acts of corruption, Allah no longer covered his mistakes and when thieves and corruptors were caught. When he was caught, the public suspected that this was the first time he was stealing and corrupt, even though in essence the act had been done over and over again, but previously it was not known because of the nature of Allah's *ghaffār*. From this it is clear and clear that there is a difference between a thief and a person who steals and between a corrupt person and a corrupt person.²⁹

In a narration it is stated that Sayyidina 'Alī r.a. still sanction someone who is caught stealing even though he has sworn many times that this is the first time he has stolen. In the end, after the legal sanction was carried out Sayyidina 'Alī aroused his heart and asked him and the thief to admit that he had committed theft many times. In addition, it should be noted that the penalty for cutting off a hand will only be imposed if the item taken is a valuable item and reaches the minimum limit of one-quarter dinar or the equivalent of 60 US dollars. Corruptors are penalized by cutting off their hands when the number and policy reaches the minimum limit above. Sanki cutting hands here does not have to be and always is interpreted as essential. The meaning of *majāzī* can be an alternative interpretation, especially if it is related to the Indonesian context, which is not an Islamic state and its people are diverse. The meaning of *majāzī* "cutting off the hand" can mean the paralysis of the performer's ability. In the sense that sanctions for corruptors are sanctions that lead to the crippling of power and ability, such as imprisonment, policies and other assets confiscated.

²⁹ Shihab, *Tafsir Al-Mishbah*, 112.

The meaning of this *majāzī* will find its origin when it is associated with the culture and language of the Arabs when this verse 38 of surah al-Māidah was revealed. As stated by M. Quraish Shihab, the word *faqtulū aidiyahumā* when interpreted is essentially not in line with the Prophet's practice. also not known by the Arabic speaking community at the time of the revelation of the al-Qur'an. Besides the meaning of *majāzī*, there is also an opinion that understands that the sanction is the highest punishment in a country. Thus, in the context of Indonesianness, a judge can sentence a corruptor with a lighter sentence than the sanction of cutting off a hand if there are things that can alleviate it.

Conclusion

From the explanation of the interpretation of the corruption verses, it can be concluded that; *first*, by using the principle of the interpretation of *khafī al-fāz*, corruption can be equated with theft (*al-sāriq*). The logic is that the practice and the consequences of stealing and corruption are both detrimental and tyrannical to others. However, in terms of language, corruption is more common than *al-sāriq*. If *al-sāriq* is only synonymous with property and property, corruption also includes betrayal or insecurity, such as abuse of authority, power, and the like.

Second, the punishment for corruptors is the same as the penalty for thieves, namely cutting off their hands. The purpose of the term cutting off hands is to paralyze power and ability, such as imprisonment, confiscation of power and property, or according to the opinion of some scholars, namely the maximum sentence according to a government court decision, namely a judge.

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