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Islamic Criminal Law Reform in Corruption Cases: Maqasid al-Shariah Perspective

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Islamic Criminal Law Reform in Corruption Cases: Maqasid al-Shariah Perspective

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Abstract

This study aims to examine the reform of Islamic criminal law in addressing corruption cases through the lens of maqasid al-shariah (the objectives of Islamic law). Corruption, a pervasive issue in many societies, undermines state resources, weakens governance, and exacerbates social inequalities. The urgency of this study lies in the need for a legal framework that not only punishes but also effectively prevents corruption, in line with Islamic values of justice and public welfare. Employing normative juridical methods, this research analyzes primary and secondary legal materials relevant to Islamic and Indonesian corruption laws. Findings reveal that maqasid al-shariah offers a philosophical basis for reform, emphasizing preventive and rehabilitative measures alongside retributive justice to ensure a balanced approach. Conclusions suggest that integrating maqasid al-shariah can strengthen the Indonesian legal system, promoting a more adaptive, just, and effective approach to eradicating corruption.

Keywords: Corruption; Islamic Criminal Law; Maqasid Al-Shariah

1. INTRODUCTION

Corruption is one of the most serious problems in modern society. Corrupt practices not only harm state finances, but also weaken the social, political and moral foundations of a nation. Corruption erodes public trust in government and legal institutions, creates injustice, and exacerbates social inequality. In many countries, including Muslim-majority countries, corruption has become an intractable problem, even when legal systems and anti-corruption institutions have been strengthened. Corruption-fighting efforts in Muslim countries often involve adopting relevant Islamic legal principles, including maqasid al-shariah, to provide a strong ethical and moral perspective.¹

Maqasid al-shariah, which means “the goals of Islamic law,” are principles that aim to protect five key human interests: religion, soul, mind, offspring and property. In the context of corruption, maqasid al-shariah emphasizes the importance of protecting public property and the welfare of society as a whole. This principle also provides a foundation for understanding how Islamic criminal law can be applied in corruption cases, with the aim of upholding justice and preventing wider harm to society. Integrating the maqasid al-shariah principle in Islamic criminal law for corruption cases can provide a new perspective in corruption eradication efforts.²

Although there are many studies on Islamic criminal law, its application in corruption cases still faces many challenges. This is due to the complexity of Islamic criminal law relating to corruption and the different interpretations of sanctions. In some Muslim countries, the

¹ Rangga, “The Application of the Death Penalty in Indonesia from the Perspective of Maqasid Al- Shari’ Ah for Almost a Thousand Years. From There, Roman Law Developed To” 5 (2024). <https://doi.org/10.15642/mal.v5i1.198>

² Sakinah, “Corruption in the Perspective of Islamic Law,” *Et-Tijarie: Journal of Sharia Law and Business* 1, no. 1 (2018): 14–31, <https://doi.org/10.20885/iustum.vol15.iss1.art8>.

application of Islamic criminal law in dealing with corruption still faces obstacles, both in terms of positive law and judicial practice.³ Therefore, there is a need to reform Islamic criminal law that not only considers aspects of legality, but also pays attention to the main objectives of sharia in protecting public interests.⁴

One approach that can be applied in the reform of Islamic criminal law related to corruption is the application of maqasid al-shariah as the main foundation. This approach does not only consider punishment as a form of retribution, but also pays attention to preventive and rehabilitative aspects to create a society free from corruption.⁵ By basing on maqasid al-shariah, Islamic criminal law can be developed more flexibly and responsively to contemporary social challenges, including the complex and widespread problem of corruption.

In some countries where Islamic law is applied, such as Saudi Arabia, Pakistan and Indonesia, there are discourses and efforts to reform Islamic criminal law to make it more relevant to the modern context. In the case of corruption, this reform aims to align sanctions and procedures with broader principles of justice and maqasid al-shariah values. For example, in Indonesia, the influence of Islamic law in the national legal system provides an opportunity to enrich the criminal law framework with maqasid al-shariah principles in addressing corruption.⁶ This shows that the reform of Islamic criminal law in the context of corruption is not only relevant for Islamic countries, but also has the potential to be applied universally.⁷

In addition, the reform of Islamic criminal law in corruption cases also provides an opportunity to evaluate the effectiveness of existing legal sanctions and procedures. Some criticisms of Islamic criminal law include approaches that are considered less relevant to contemporary issues, such as corruption, which has a systemic and transnational dimension. By taking into account maqasid al-shariah, the approach of Islamic criminal law can be reformulated to be more effective in achieving the desired goals, namely prevention, fair punishment, and rehabilitation of perpetrators to become productive members of society.⁸

This study is important to fill the gap in the literature on the role of maqasid al-shariah in Islamic criminal law reform, especially in corruption cases. Most of the existing literature focuses on the formal legal aspects without touching the philosophical aspects and the main

³ Bahri, S. (2015). Corruption in the study of Islamic law. *Kanun Journal of Legal Sciences*, 17(3), 603-614. <https://doi.org/10.24815/kanun.v17i3.6089>

⁴ Choirinnisa, F. (2017). Framing analysis of the news coverage of the E-KTP project corruption case in Kompas Daily newspaper (Bachelor's thesis, UIN Syarif Hidayatullah Jakarta: Faculty of Da'wah and Communication Sciences, 2017). <https://repository.uinjkt.ac.id/dspace/handle/123456789/37888>

⁵ Gunawan, H. (2018). Corruption in the Perspective of Islamic Law. *Yurisprudencia: Journal of Economic Law*, 4(2), 182-199. <https://doi.org/10.24952/yurisprudencia.v4i2.1506>

⁶ Siroj, M. (2016). Corruption in the Perspective of Islamic Law and its Eradication Strategy. *AL-IHKAM: Journal of Law & Social Institutions*, 11(2), 293-312. <https://doi.org/10.19105/al-lhkam.v11i2.1038>

⁷ Rahmayanti, R. (2017). Legal Sanctions against Corruption Offenders Based on Positive Law and Islamic Law. *JOURNAL MERCATORIA*, 10(1), 60-73. <https://doi.org/10.31289/mercatoria.v10i1.732>

⁸ Anwar, S. (2008). Corruption in the perspective of Islamic law. *Journal of Law IUS QUIA IUSTUM*, 15(1). <https://doi.org/10.20885/iustum.vol15.iss1.art8>

10 objectives of sharia. By examining the application of maqasid al-shariah, this research is expected to make a significant academic contribution to the discourse of Islamic law reform.⁹

In addition, this study can also provide practical recommendations for policy makers in countries that want to adopt maqasid al-shariah principles in dealing with corruption cases.

6 The previous research that examined the renewal of Islamic Criminal Law in Corruption Cases was researched by Mochammad Farhan, with the theme of comparative analysis of attempted criminal acts in the perspective of Islamic criminal law and conventional criminal law in Indonesia with the results of the study explaining that conventional criminal experiments view intentions accompanied by crime preparation as part of a form of criminal offense so that there are special sanctions, while in Islamic Criminal Law an act is sanctioned after the real form of crime is completed or not.¹⁰

2 Furthermore, research by Rahman with the theme Human Rights of Former Corruption Convicts in the General Election Commission Regulation Number 20/2018 Maqashid Sharia Perspective with the results of research maqashid sharia not only functions as a normative tool to protect the five basic elements (religion, soul, mind, offspring, and property), but also advocates flexibility in its application in accordance with the development of the social context. In this case, this research highlights how maqashid sharia can play a role in harmonizing the goals of maintaining public integrity and the human rights of former prisoners.¹¹

1 This research focuses on concrete recommendations for the reform of Islamic criminal law on the basis of maqasid al-shariah, especially in corruption cases, different from previous research. This research proposes certain changes in the regulation and application of sanctions to be in accordance with maqasid principles, something that has not been discussed much in the previous literature. Thus, this research provides a new contribution that is more focused on reforming Islamic criminal law policies in corruption cases. As such, this research is expected to contribute to the development of Islamic legal theory and practice.¹²

30 This research highlights the importance of law enforcement that is not only repressive, but also fair and effective in achieving the truth and preventing corruption crimes that harm the state and society. The positive legal system in Indonesia has established various provisions to take action against perpetrators of corruption, but its effectiveness still faces many challenges. Systemic corruption shows that existing law enforcement has not been able to create a strong deterrent effect, so that corruption cases continue to recur. Efforts to eradicate corruption

4 ⁹ Qaidul Muttaqin and Umrotul Khasanah, "Analysis of Sharia Principles Compliance on E-Money Services in the Perspective of Maqashid Syariah," *Islamic Economics Scientific Journal* 9, No. 2 (2023): 1806, <https://doi.org/10.29040/Jiei.v9i2.8972>.

2 ¹⁰ Harahap, (2017). The Existence of Maqashid Al-Syari'ah in Criminal Law Reform in Indonesia. *istinbath*, 16(1), 22-64. <https://doi.org/10.20414/ijhi.v16i1.17>

2 ¹¹ Rahman, (2020). Human Rights of Former Corruption Convicts in General Election Commission Regulation Number 20/2018 from the Perspective of Jasser Auda's Maqashid Syariah. *Volkgeist: Journal of Legal and Constitutional Sciences*, 65-80. <https://doi.org/10.24090/volkgeist.v3i2.3905>

4 ¹² Sabir, (2020). Corruption, Grants and Gifts in the Perspective of Islamic Law (Clarification and Prevention of Corruption). *Al Hurriyah: Journal of Islamic Law*, 5(2), 114-1129. <https://doi.org/10.30983/alhurriyah.v5i2.2690>

require a comprehensive approach, with a legal system that not only punishes perpetrators, but also plays a preventive and responsive role to the potential for corruption in various sectors.¹³

In this context, the Maqasid al-Shariah principle, which focuses on protecting the public interest (maslahah) and preventing damage (mafsadah), can provide a new perspective for the Indonesian legal system. This principle emphasizes the importance of creating balanced social justice and preventing acts that harm the wider community. If applied in the criminal law system, Maqasid al-Shariah can strengthen the goal of eradicating corruption by emphasizing the protection of state assets and public welfare. This approach would complement the positive legal system, where sanctions for corruption offenders are not only punitive, but also prevent wider social damage. This recommendation is expected to encourage reforms that place substantive justice at the core of the corruption criminal law system.

The urgency of this research lies in the need to develop a more effective legal system in dealing with increasingly complex corruption crimes. By combining positive legal principles and Maqasid al-Shariah values, it is hoped that a legal model that is more responsive to social conditions in Indonesia will be created. This research is urgent, given the weak effectiveness of the current corruption eradication and the need for an alternative approach that is not only juridically adequate, but also relevant to the values of substantive justice desired by society. This research aims to offer concrete solutions that can help create a legal system that is adaptive, has integrity, and is oriented towards protecting the public interest.¹⁴

2. METHOD

This research uses normative research methods focusing on the study of norms, provisions, principles, and applicable laws and regulations, especially in relation to the topic of Islamic Criminal Law Reform in Corruption Cases: Maqasid al-Shariah Perspective. This method involves research on primary legal materials such as laws, as well as secondary legal materials such as related legal documents and literature. This approach involves library research to examine relevant regulations in the context of eradicating corruption. There are several laws that regulate corruption in Indonesia, namely: Law No. 31 of 1999 on the Eradication of the Crime of Corruption; Law No. 20 of 2001 on the Amendment to Law No. 31 of 1999 on the Eradication of the Crime of Corruption; Law No. 19 of 2019 on the Second Amendment to Law No. 30 of 2002 on the Corruption Eradication Commission; the Criminal Code (KUHP); Supreme Court Regulation (Perma) No. 13 of 2016 on Procedures for Handling Crimes by Corporations. In the context of Maqasid al-Shariah, the approach to corruption can be linked to the five main objectives of sharia, namely protecting religion, soul, mind, offspring, and property. Corruption is considered to undermine these goals, especially in safeguarding wealth and social justice.

¹³ Qaidul Muttaqin and Umrotul Khasanah, "Analysis of Sharia Principle Compliance in E-Money Services in the Perspective of Maqashid Syariah," *Islamic Economics Scientific Journal* 9, no: 1806, <https://doi.org/10.29040/Jiei.v9i2.8972>.

¹⁴ Mohiuddin, S. K., & Siddiqui, D. A. (2023). Development of Maqasid al Shariah Index to assess the shariah-compliant performance of Islamic Industries including other Industries and financial industries & Banks. Available at SSRN 4432530. <http://dx.doi.org/10.2139/ssrn.4432530>

3. RESULTS AND DISCUSSION

3.1 Implementation of Corruption case settlement based on positive law in Indonesia

The Electronic Identity Card (E-KTP) project corruption case is one of the largest and most complex corruption cases in Indonesia, involving various high-ranking officials and legislators. This scandal highlights how corrupt practices are not only carried out by individuals, but involve extensive networks in various government institutions.¹⁵ The state losses caused by this case reached trillions of rupiah, illustrating the huge negative impact of corruption on the national economy and social stability.¹⁶ Corruption in the E-KTP project hampers public services and undermines public trust in the government, which in turn adversely affects the socio-economic development of the country.¹⁷

The complexity in handling the E-KTP corruption case shows the need for a more effective legal system in preventing and eradicating corruption. Systemic corruption like this requires a legal approach that not only focuses on prosecution, but also on prevention to prevent repetition. The deterrent effect for perpetrators needs to be increased through strict legal sanctions, but it also needs to be accompanied by governance reforms so that corruption loopholes can be minimized. This case is an example of the importance of regulations that are able to close opportunities for corruption in the public administration process, and encourage transparency at every level of government.¹⁸

1 The handling of corruption cases in Indonesia is regulated by Law No. 31 of 1999, updated by Law No. 20 of 2001 on the Eradication of Corruption, which provides the basis for the imposition of severe sanctions against perpetrators of corruption. The Corruption Eradication Commission (KPK) as an independent institution plays a major role in cracking down on major corruption cases, including the E-KTP case, using a positive law approach. This approach emphasizes the retributive aspect, where heavy penalties are given not only to punish the perpetrators, but also to recover some of the state losses incurred by acts of corruption. Even so, handling corruption needs to be balanced with strong prevention efforts in order to create a long-term deterrent effect and reduce the number of corruptions in the future.¹⁹

39 Limitations of the Positive Legal Approach to Corruption Prevention often focuses on the punitive aspect, but pays less attention to the preventive and rehabilitative aspects. The E-KTP corruption case, for example, shows that punishment alone is not enough to overcome the systemic and widespread problem of corruption. Therefore, this research highlights the need for Islamic criminal law reform that integrates maqasid al-shariah, so that the law can aim to

23 ¹⁵ Sari, (2017). Social Semiotics Analysis of E-KTP Corruption Case Coverage on Liputan6. com Site. Professional: Journal of Communication and Public Administration, 4(1). <https://doi.org/10.37676/professional.v4i1.452>

¹⁶ Adit Bintang Hartahta Muhammad, "The Enforcement Of Criminal Law On The Criminal Offense Of Printing Fake E-Ktp (Study Of Decision Number: 194/Pid. B/2022/Pn. Tjk)," 2023. <http://digilib.unila.ac.id/id/eprint/69996>.

¹⁷ Vialdy, (2023). Dilematics of Corruption as a Portrait of Human Rights Violations: E-KTP Corruption Case 2011-2013. Anti-Corruption Journal, 12(2), 17-29. <https://doi.org/10.19184/jak.v12i2.38814>

¹⁸ Muhammad, (2023). Enforcement Of Criminal Law On The Criminal Act Of Printing Fake E-KTP (Study of Decision Number: 194/Pid. B/2022/PN. Tjk). <http://digilib.unila.ac.id/id/eprint/69996>

¹⁹ Fatimah, Framing Analysis of News Coverage of the E-KTP Project Corruption Case in Kompas Daily Newspaper, 2017. <http://repository.uinjkt.ac.id/dspace/handle/123456789/37888>

prevent corruption before it occurs and rehabilitate perpetrators so that they do not repeat their actions.²⁰

Maqasid al-shariah principles, such as the protection of property and public welfare, provide a strong philosophical basis for dealing with corruption cases.²¹ In the case of E-KTP corruption, the protection of public property is one of the important maqasid al-shariah principles. With this maqasid foundation, Islamic criminal law can provide a more comprehensive solution that is in line with the objectives of sharia to protect society from the effects of corruption. The reform of Islamic criminal law for corruption cases, such as in the E-KTP case, needs to emphasize preventive and rehabilitative aspects in addition to retributive aspects. Preventive approaches can include education and stronger prevention efforts, while rehabilitation can help perpetrators not to repeat their actions.²² By prioritizing the protection of society through prevention and rehabilitation, a legal system based on maqasid al-shariah is expected to be more effective in dealing with corruption.²³

This research shows that the application of maqasid al-shariah in the Islamic criminal law system in Indonesia needs to be adapted to the reality of a legal system that is largely based on positive law. As the legal system in Indonesia is based on Pancasila and the Constitution, the application of maqasid al-shariah cannot be done directly without considering adaptation in the context of national law. The main challenge lies in the harmonization process between maqasid principles that focus on the protection of sharia objectives and the positive legal norms applied in Indonesia. This adaptation is needed so that maqasid can be relevant and applicable in dealing with modern legal issues, especially in handling corruption cases that damage the social order and justice of society.²⁴

The E-KTP corruption case is a clear example of how the application of maqasid al-shariah can fill the value vacuum in positive law, especially in the aspect of comprehensive and preventive justice. The maqasid approach emphasizes the protection of public interests (masalah) and the prevention of losses (mafsadah) arising from corruption. In the context of corruption, the application of maqasid will require reforms in rules and sanctions to not only crack down on perpetrators, but also prevent opportunities for similar crimes. The integration of maqasid al-shariah in positive criminal law can encourage the creation of more effective monitoring and

²⁰ Nopendri, (2018). Discourse Analysis of E-KTP Corruption Case News on Kompas Media. Com Media Towards the Formation of Public Opinion (Doctoral dissertation, Riau Islamic University). <http://repository.uir.ac.id/id/eprint/4063>

²¹ Joniarta, I. W. (2018). The banality of corruption in Indonesia. *Scientific Journal of Social Dynamics*, 2(1), 149-156. <https://doi.org/10.38043/jids.v2i1.358>

²² Siregar, (2018). Framing Analysis of Setya Novanto News in the E-KTP Corruption Case in Tempo Magazine (Doctoral dissertation, University of North Sumatra). <http://repository.usu.ac.id/handle/123456789/7081>

²³ Arum, A. S., Zahra, A., Inassabrina, F. D., Rahmawati, H. Y., & Ningsih, S. A. (2023). The Role of Political Parties towards Cadres who Commit Corruption Crimes: Case Study of Setya Novanto, the Perpetrator of E-KTP Corruption. *Journal of Anti-Corruption*, 3(1), 32-45. <https://doi.org/10.19184/jak.v3i1.38847>

²⁴ Qaidul Muttaqin and Umrotul Khasanah, "Analysis of Sharia Principles Compliance in E-Money Services from the Maqashid Sharia Perspective," *Islamic Economics Scientific Journal* 9, no. 2 (2023): 1806, <https://doi.org/10.29040/jiei.v9i2.8972>.

prevention mechanisms, as well as provide penalties that meet the elements of justice both from a positive law and Islamic perspective.²⁵

This study also highlights examples of the application of maqasid al-shariah in countries such as Saudi Arabia and Pakistan, where Islamic criminal law is applied with attention to public protection and justice enforcement oriented towards maqasid values. The application in these countries can provide inspiration for Indonesia in creating regulations that are more in line with maqasid principles without having to override the existing legal system. Although there are differences in legal systems and cultural contexts, the experience of these countries in integrating maqasid al-shariah in handling certain criminal offenses can be an important reference for realizing legal reforms that are responsive to the needs of community justice and public protection.²⁶

This research criticizes the traditional Islamic criminal law approach that pays less attention to rehabilitative and preventive aspects. In the context of corruption, such as the E-KTP case, physical punishment alone is considered insufficient. With legal reform that refers to maqasid al-shariah, punishment for corruption perpetrators can be directed to repair the damage that has occurred and seek the recovery of the people affected by corruption.

Based on the analysis of the results of this study, one of the proposed policy recommendations is the application of sanctions that are more in line with the maqasid al-shariah principle in dealing with corruption cases, such as the E-KTP corruption case which has a major impact on public trust. This approach emphasizes the application of social and financial sanctions that not only punish the perpetrators, but also restore public losses. Social sanctions can take the form of a ban on certain rights or a public announcement of the corruption committed, so as to create a deterrent effect through social stigma. This approach is expected to not only provide punishment, but also encourage more responsible behavior in the wider community.

In addition, financial fines can be directed towards improving sectors affected by corruption, such as education, health and public infrastructure, which often suffer from corrupt budgets. By redistributing corruption fines to the affected areas, the state can directly improve public welfare that was previously neglected. In this context, financial sanctions are not simply a punishment for perpetrators, but a mechanism to restore public trust by seeing first-hand the benefits of law enforcement outcomes. Transparent and accountable use of these funds will also strengthen the legitimacy of the law, and build public trust in the justice system.

This maqasid al-shariah-based approach brings the legal system to a more progressive paradigm, where the law does not only act as an instrument of punishment, but also as a tool to restore social justice. By balancing retributive and rehabilitative aspects, this approach allows the law to be more adaptive to the needs of society. This sanction model is also relevant to be applied in Muslim-majority countries such as Indonesia, which has a foundation of social justice values in its constitution. In the long run, it is hoped that sanctions that are more in line

²⁵ Muhammad, (2023). Enforcement Of Criminal Law On The Criminal Act Of Printing Fake E-KTP (Study of Decision Number: 194/Pid. B/2022/PN. Tjk). <http://digilib.unila.ac.id/id/eprint/69996>

²⁶ Ahyani, H., & Nurhasanah, E. (2020). The Role of Islamic Political Strategy on the Economy in Indonesia. *Mutawasith: Journal of Islamic Law*, 3(1), 18-43. <https://doi.org/10.47971/mjhi.v3i1.185>

with maqasid al-shariah can create a legal system that is not only strong in combating corruption, but also responsive and accommodating to the values of public welfare.

3.2 Maqasid al-Shariah Principle Recommendations for a More Effective Legal System

The application of the Maqasid al-Shariah Principle in the criminal law system in Indonesia can provide the basis for a more just and effective legal system, focusing on the protection of public interests and substantive justice. Maqasid al-Shariah principles are oriented towards achieving the main objectives of sharia, namely protecting the five basic human needs, which include religion, soul, mind, offspring, and property. By integrating these principles, Islamic criminal law can make a real contribution in realizing a legal system that is responsive to the needs of society and based on the values of universal justice.²⁷

The integration of Maqasid al-Shariah in criminal law in Indonesia can also strengthen crime prevention efforts, especially in cases of corruption that often harm the state and society. This approach emphasizes the importance of maintaining the public good (maslahah) by preventing actions that can cause damage (mafsadah). In the context of corruption, this principle will encourage a legal system that not only punishes the perpetrators, but also seeks to eliminate the factors that allow corruption to occur, such as loopholes in regulations, weak supervision, and bureaucratic inefficiency.

In addition to functioning as prevention, the Maqasid al-Shariah principle can also play a role in rehabilitating perpetrators of corruption so that they do not repeat their actions. This rehabilitation aspect is important in realizing substantive justice, where punishment does not only focus on retribution, but also on individual improvement. The application of this approach is expected to encourage offenders to change and make a positive contribution to society after serving their sentence. Thus, this approach has the potential to reduce recidivism rates and create a more harmonious and just society.²⁸

The implementation of Maqasid al-Shariah also prioritizes a balance between punishment and prevention, with the main objective of protecting society from the negative impact of criminal acts. In the case of corruption, the principle of property protection (hifz al-mal) is particularly relevant, given that the losses caused by corruption can disrupt economic development and undermine public trust in the government. The application of this principle can lead to sanctions that not only restore state losses, but also provide an effective deterrent effect and prevent repeated corrupt practices.

Furthermore, the application of Maqasid al-Shariah also encourages legal system reform to be more adaptive to the needs of society and the challenges of the times. An adaptive and maqasid-based legal system is not only relevant in the context of corruption, but also in handling other criminal cases that have a broad impact on society. This shows that the maqasid approach has the potential to be widely implemented, so that Indonesian criminal law can be

²⁷ Saputra, (2024). Death Penalty: A Dilemma Between Maslahat Mursalah and Human Rights in Indonesia. ALADALAH: Journal of Politics, Social, Law and Humanities, 2(4), 148-159. <https://doi.org/10.59246/aladalah.v2i4.974>

²⁸Handayani, D. M. (2019). Corruption. Introduction: Journal of Christian Theology, 1(1), 1-8. <https://doi.org/10.36270/pengarah.v1i1.3>

more responsive in protecting people's rights and creating more holistic justice.

As a concrete step, the adoption of Maqasid al-Shariah principles in the Indonesian legal system needs to be followed by regulatory harmonization efforts. This harmonization aims to align maqasid values with existing positive legal provisions, so that the integration of this principle can be applied without contradicting national legal norms. This step will allow for a more comprehensive legal reform, where criminal law can balance the need for punishment with the interests of rehabilitation and prevention.²⁹

It is also important for governments and policymakers to take the Maqasid al-Shariah principle as a basis for formulating effective anti-corruption policies. Maqasid principles can guide the formulation of policies that are more oriented towards the protection of society and the fight against corruption. In the long run, this approach will help create a legal culture that prioritizes justice, integrity and accountability in various sectors, so that the goal of eradicating corruption can be better achieved.³⁰

The urgency of this research lies in the need for a more effective legal system in facing the increasingly complex challenges of corruption in Indonesia. Given the weak effectiveness of current law enforcement, the integration of Maqasid al-Shariah in criminal law has the potential to provide solutions that are adaptive and relevant to the needs of society. This research is not only important to strengthen the legal system, but also to build a more just and prosperous society. The results of this research are expected to provide concrete recommendations for legal reforms that are more holistic, oriented towards public benefits, and able to provide an effective deterrent effect.³¹

4. CONCLUSION

This research emphasizes the importance of reforming Islamic criminal law in dealing with corruption cases, especially through the Maqasid al-Shariah approach. By prioritizing the principles of substantive justice, such as the protection of public property and public welfare, the application of Maqasid al-Shariah in the legal system can provide an adaptive and relevant alternative. This approach does not only focus on retributive or punitive aspects, but also includes preventive and rehabilitative aspects aimed at preventing corruption and directing perpetrators to contribute back to society. This legal reform is expected to strengthen Indonesia's legal system in achieving a more holistic goal, namely creating sustainable justice and protecting the public interest from damage caused by acts of corruption.

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²⁹ Malthuf Siroj, "Corruption in the Perspective of Islamic Law and its Eradication Strategy," *Al-Ihkam: Journal of Law & Social Order* 11, No. 2 (2017): 293–312, <https://doi.org/10.19105/Al-Ihkam.v11i2.1038>.

³⁰ Tasya Nadhifah Siregar, "Framing Analysis of the Coverage of Setya Novanto in the E-Ktp Corruption Case in Tempo Magazine" (University of North Sumatra, 2018). <http://repositori.usu.ac.id/handle/123456789/7081>

³¹ Syamsul Bahri, "Corruption in the Study of Islamic Law," *Kanun: Journal of Legal Science* 17, No. 3 (2015): 603-14, <https://doi.org/10.24815/Kanun.v17i3.6089>.

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