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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 (objectives of Islamic law). The urgency of this research lies in the systemic and pervasive nature of corruption, which undermines governance, public trust, and societal welfare, necessitating a legal framework that not only punishes but also prevents corruption in line with Islamic principles. Employing a normative juridical approach, this research analyzes primary and secondary legal materials related to corruption and Islamic law. The findings reveal that maqasid al-shariah provides a holistic framework that emphasizes prevention, rehabilitation, and justice, offering a balanced approach to corruption eradication. The novelty of this study lies in integrating maqasid al-shariah into Indonesia's legal system to address corruption's root causes while promoting societal welfare and justice. Reforming Islamic criminal law based on maqasid al-shariah can strengthen anti-corruption efforts by focusing on justice, prevention, and societal welfare. This approach contributes to a more holistic and adaptive legal framework, supporting the eradication of corruption in Indonesia.

Keywords: Corruption; Islamic Criminal Law; Maqasid Al-Shariah; Legal Reform; Public Welfare

1. INTRODUCTION

Corruption is one of the most pervasive and destructive issues facing modern society. Beyond causing financial harm to state resources, it undermines the social, political, and moral fabric of nations. Corruption diminishes public trust in government and legal institutions, exacerbates injustice, and deepens social inequality. Despite legal reforms and the establishment of anti-corruption institutions, corruption remains a persistent challenge, particularly in Muslim-majority countries. Efforts to combat corruption in these contexts often involve integrating Islamic legal principles, such as maqasid al-shariah, to provide a robust ethical and moral framework.¹

Maqasid al-shariah, or the "objectives of Islamic law," is a set of principles aimed at safeguarding five core human interests: religion (din), life (nafs), intellect (aql), lineage (nasl), and property (maal). In addressing corruption, maqasid al-shariah underscores the need to protect public property and promote societal welfare. These principles provide a moral and legal foundation for applying Islamic criminal law to corruption cases, emphasizing the attainment of justice and the prevention of broader societal harm. Integrating maqasid al-shariah into the framework of Islamic criminal law offers a fresh perspective on corruption eradication efforts, which aligns ethical imperatives with legal measures.²

The application of maqasid al-shariah in reforming Islamic law related to corruption emphasizes rehabilitation, justice, and prevention. This approach shifts the focus from retributive tactics to a more holistic strategy aimed at educating society. By integrating

¹ Ranga, "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>.

1 maqasid al-shariah principles into Islamic law, the legal framework can become more responsive to contemporary issues, such as systemic and widespread corruption. Therefore, it is essential to reform Islamic law to not only emphasize legality but also prioritize sharia's objectives in safeguarding public interests.

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.³ 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.

36 In countries like Saudi Arabia, Pakistan, and Indonesia, ongoing discussions and initiatives to reform Islamic criminal law seek to adapt it to modern contexts. In Indonesia, for instance, the integration of Islamic law into the national legal system provides a unique opportunity to enrich the criminal justice framework with maqasid al-shariah principles. This reform aims to harmonize the enforcement of sanctions with broader principles of justice and public welfare, making it relevant not only for Islamic countries but also for universal applicationis not only relevant for Islamic countries, but also has the potential to be applied universally.⁴

3 Furthermore, the chance to assess the efficacy of current legal consequences and procedures is presented by the reform of Islamic criminal law in corruption cases. Some critiques of Islamic criminal law focus on methods deemed less applicable to modern problems, like corruption, which has a systemic and international component. The approach of Islamic criminal law can be reconstructed to be more effective in accomplishing the desired aims, which include prevention, just punishment, and rehabilitation of offenders to become contributing members of society, by taking into consideration maqasid al-shariah.

8 The urgency of this research lies in addressing the ineffectiveness of existing legal frameworks in combating corruption, particularly in Indonesia. Despite robust legal provisions, the recurrence of corruption cases highlights the limitations of current approaches, especially in creating a strong deterrent effect. Corruption in Indonesia remains deeply entrenched and systemic, indicating the need for a transformative approach that goes beyond punitive measures

37 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 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.⁵

2 ³ Hendra Gunawan, "Korupsi Dalam Perspektif Hukum Islam," *Yurisprudentia* 4, no. 2 (2018): 182–99, <https://doi.org/10.21107/ete.v1i1.4591>.

⁴ Rahmayanti Rahmayanti, "Sanksi Hukum Terhadap Pelaku Tindak Pidana Korupsi Berdasarkan Hukum Positif Dan Hukum Islam," *Jurnal Mercatoria* 10, no. 1 (2017): 60, <https://doi.org/10.31289/mercatoria.v10i1.732>.

⁵ 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/https://Doi.Org/10.29040/Jiei.v9i2.8972>.

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

Some previous studies related to this research include Rahman's research (2020). Rahman's study revealed that maqashid sharia not only functions as a normative tool to protect the five basic elements (religion, life, intellect, lineage, and property) but also supports flexibility in its application according to the development of the social context. In this regard, the research highlights how maqashid sharia can play a role in harmonizing the goals of maintaining public integrity and the human rights of former convicts.⁶

The subsequent research related to this study was conducted by Masriani. This research explores the synergy between Maqasid al-Shariah, particularly the five foundational principles proposed by Asy-Syatibi, and Indonesia's national philosophy, Pancasila. It argues that Pancasila embodies universal values aligned with Maqasid al-Shariah, aimed at promoting collective well-being and preventing harm. By examining the relationship between Islamic law and Pancasila, this study highlights how Maqasid al-Shariah can provide a philosophical basis for enhancing the implementation of national legal principles. However, the research lacks an in-depth analysis of how this synergy can be practically operationalized in specific legal or policy contexts, limiting its applicability to broader philosophical discourse without offering actionable steps for implementation.⁷

Finally, research by Mohiuddin (2023) emphasizes the urgency of developing a more effective legal system to address increasingly complex corruption crimes. By integrating positive legal principles with the values of Maqasid al-Shariah, the study aims to create a legal model that is more responsive to Indonesia's social conditions. This research is particularly pressing, given the current ineffectiveness of anti-corruption efforts and the need for an alternative approach that is not only juridically sound but also aligned with the substantive justice values desired by society. The study seeks to offer concrete solutions that can help establish a legal system that is adaptive, has integrity, and is oriented toward protecting the public interest.⁸

This research differs from the three previous studies by Rahman, Masriani, and Mohiuddin in its specific focus on applying Maqasid al-Shariah as a foundation for reforming Islamic criminal law to address corruption cases with a comprehensive approach that includes prevention, justice, and rehabilitation. While Rahman's study highlights the flexibility of Maqasid al-Shariah in balancing public integrity and human rights for former convicts, Masriani's research explores the philosophical synergy between Maqasid al-Shariah and Indonesia's national ideology, Pancasila, without offering actionable legal frameworks. Meanwhile, Mohiuddin emphasizes the urgency of integrating Maqasid al-Shariah with positive legal principles to create a more effective legal system for combating corruption but

⁶ Fathor Rahman and Muhammad Saiful Anam, "Hak Asasi Manusia Mantan Narapidana Korupsi Dalam Peraturan Komisi Pemilihan Umum Nomor 20 Tahun 2018 Perspektif Maqashid Syariah Jasser Auda," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 3, no. 2 (2020): 65–80, <https://doi.org/10.24090/volksgeist.v3i2.3905>.

⁷ Yulies Tiena Masriani, "Sinergi Maqashid Syariah Asy-Syatibi Dengan Pancasila Sebagai Falsafah Negara Indonesia," *Jurnal Ius Constituendum* 8, no. 1 (2023): 19, <https://doi.org/10.26623/jic.v8i1.6092>.

⁸ Syed Khalid Mohiuddin and Danish Ahmed Siddiqui, "The Development of the Maqasid Al Shariah Index to Assess the Sharia Compatibility Performance of Islamic Industry Including Other Industry and Financial Industry & Banks," *SSRN Electronic Journal*, 2023, 1–45, <https://doi.org/10.2139/ssrn.4432530>.

focuses on broader systemic reforms rather than detailed application in corruption cases. This research provides a unique contribution by offering concrete recommendations for aligning Islamic criminal law with Maqasid al-Shariah principles to develop targeted, practical legal measures for eradicating corruption in Indonesia, addressing gaps in operationalization and implementation not covered by prior studies. 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).

2. METHOD

This research uses the type of normative legal research. What is meant by normative legal research is a type of legal research, whether pure or applied, conducted by a legal researcher to examine a norm (hence called normative) in fields such as justice, legal certainty, order, utility, legal efficiency, legal authority, as well as legal norms and doctrines, which underlie the implementation of these elements into procedural and substantive legal fields, both in public law, such as state principles, powers and authorities of state instruments, citizens' rights, principles of criminal acts or punishment and penalties, and in private law, such as in personal law, family and marriage law, property and debt law, contract law, inheritance, and so on.⁹

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.

3. RESULTS AND DISCUSSION

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

Corruption crimes can no longer be classified as ordinary crimes but have become extraordinary crimes, and their handling can no longer be done conventionally but must be carried out in extraordinary ways. One of the steps in implementing these extraordinary measures is the establishment of a new body granted extensive authority, independence, and

⁹ Nelvita Purba; Ismed Batubara; Zaenal Arifin; Bahmid, *Metodologi Penelitian Hukum*, 1st ed. (Medan: Pustaka Media Publishing, 2024).

freedom from any power (extraordinary tool).¹⁰ 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.¹¹ 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. 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.¹²

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.¹³

10 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.¹⁴

16 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

11 Bambang Sadono et al., "Kedudukan Komisi Pemberantasan Korupsi Dalam Sistem Ketatanegaraan Di Indonesia," *Jurnal USM Law Review* 3, no. 2 (2020): 259–74, <https://doi.org/http://dx.doi.org/10.26623/julr.v3i2.2870>.

12 Ayu Kumala Sari, Sapta Sari, and Bayu Risdiyanto, "Analisis Semiotika Sosial Pemberitaan Kasus Korupsi E-KTP Di Situs Liputan6.Com," *Profesional: Jurnal Komunikasi Dan Administrasi Publik* 4, no. 1 (2018): 87–111, <https://doi.org/10.37676/profesional.v4i1.452>.

13 Ivan Rinaldi, Mompang L Panggabean, and Hendri Jayadi Pandiangan, "Corruption Of Law Enforcement On E-KTP By Members Of The Legislature Efforts And Non Penal Criminal Policy In Perspective," *Jurnal Hukum Tora: Hukum Untuk Mengatur Dan Melindungi Masyarakat* 7, no. 3 (2021): 2021, <https://doi.org/10.33541/tora.v7i3.46>.

14 Adit Bintang Hartahta Muhammad, "Penegakan Hukum Pidana Terhadap Tindak Pidana Pencetakan E-KTP Palsu (Studi Putusan Nomor : 194/Pid.B/2022/PN.Tjk)" (Universitas Lampung, 2023).

15 Fatimah Choirinnisa, "Analisis Framing Pemberitaan Kasus Korupsi Proyek E-KTP Di Surat Kabar Harian Kompas" (UIN Syarif Hidayatullah Jakarta, 2017), <https://repository.uinjkt.ac.id/dspace/handle/123456789/37888>.

aim to prevent corruption before it occurs and rehabilitate perpetrators so that they do not repeat their actions.¹⁵

31 Maqasid al-shariah principles, such as the protection of property and public welfare, provide a strong philosophical basis for dealing with corruption cases.¹⁶ 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.¹⁷ 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.¹⁸

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4 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.¹⁹

1 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 prevention mechanisms, as well as provide penalties that meet the elements of justice both from a positive law and Islamic perspective.²⁰

1 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

¹⁵ Dede Nopendri, "Analisis Wacana Pemberitaan Kasus Korupsi E-KTP Pada Media Kompas.Com Terhadap Pembentukan Opini Publik" (Universitas Islam Riau, 2018).

¹⁶ I. W. Joniarta, "Banalitas Korupsi Di Indonesia," *Jurnal Ilmiah Dinamika Sosial*, 2, no. 1 (2018): 149–56.

¹⁷ Tasya Nadhifah Siregar, "Framing Analysis of Setya Novanto News in the E-KTP Corruption Case in Tempo Magazine" (University of North Sumatra, 2018), <http://repositori.usu.ac.id/handle/123456789/7081>.

¹⁸ Kusuma Wardani et al., "Jurnal Psikologi," *Afeksi Jurnal Psikologi* 3, no. 3 (2024): 15–24, <http://digilib.unila.ac.id/69996/>.

¹⁹ Sudarmanto Kukuh, Arifin Zaenal, and Tatara Tirsia, "Tindak Pidana Korupsi Bidang Pertanahan Terhadap Program Pendaftaran Tanah Sistematis Lengkap (PTSL)," *Jurnal USM Law Review* 6, no. 1 (2023): 310–19, <https://doi.org/http://dx.doi.org/10.26623/julr.v6i1.6400>.

²⁰ Muhammad, "Penegakan Hukum Pidana Terhadap Tindak Pidana Pencetakan E-KTP Palsu (Studi Putusan Nomor : 194/Pid.B/2022/PN.Tjk)."

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.²¹

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.

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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 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.

The values of Maqasid al-Shariah can complement positive law by introducing a more ethical, purpose-driven approach to justice that focuses on societal welfare (maslahah) and

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²¹ Hisyam Ahyani and Elah Nurhasanah, "Peran Strategi Politik Islam Terhadap Perekonomian Di Indonesia," *Mutawasith: Jurnal Hukum Islam* 3, no. 1 (2020): 18–43, <https://doi.org/10.47971/mjhi.v3i1.185>.

harm prevention (mafsadah). For example, in corruption cases, instead of merely imposing fines as punitive measures, Maqasid al-Shariah principles could guide the allocation of fines to directly benefit public sectors harmed by corruption, such as healthcare, education, or infrastructure development. This approach ensures that penalties serve both a retributive and restorative purpose, addressing the broader societal damage caused by corruption. Additionally, Maqasid al-Shariah emphasizes preventive measures by mandating robust transparency and accountability mechanisms in public administration, which align with the goal of preserving public property (maal). By integrating these values into positive law, legal systems can move beyond retributive justice, fostering a holistic framework that deters corruption while actively contributing to societal repair and development. This synergy ensures that laws are not only legally sound but also socially responsive and effective in achieving substantive justice.

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.²²

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 (masalah) 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.²³

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

²² Anjas Saputra, Nurul Al-fatimah Rahman, and Kurniati Kurniati, "Hukuman Mati: Dilema Antara Maslahat Mursalah Dan Hak Asasi Manusia Di Indonesia," *Al Adalah: Jurnal Politik, Sosial, Hukum Dan Humaniora* 2, no. 4 (2024): 148–59, <https://doi.org/10.59246/aladalah.v2i4.974>.

²³ Dwi Maria Handayani, "Korupsi: Studi Perbandingan Berdasarkan Dunia Timur Tengah Kuno Dan Perjanjian Lama," *Pengaruh: Jurnal Teologi Kristen* 1, no. 1 (2019): 1–8, <https://doi.org/10.36270/pengaruh.v1i1.3>.

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 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.²⁴

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.²⁵

8 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. 15 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.²⁶

1 The practical application of Maqasid al-Shariah principles within Indonesia's legal system can be achieved through a structured harmonization mechanism between maqasid values and positive legal norms. This harmonization begins with identifying areas of overlap, such as the shared objectives of protecting public interests, ensuring justice, and promoting welfare. For example, in corruption cases, maqasid principles can guide the formulation of policies that prioritize restitution and societal rehabilitation. This could involve mandating

24 Malthuf Siroj, "Korupsi Dalam Perspektif Hukum Islam Dan Strategi Pemberantasannya," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 11, no. 2 (2017): 293–312, <https://doi.org/10.19105/al-lhkam.v11i2.1038>.

25 Tasya Nadhifah Siregar, "Framing Analysis of the Coverage of Setya Novanto in the E-Ktp Corruption Case in Tempo Magazine" (Universitas Sumatera Utara, 2018).

13 26 Syamsul Bahri, "Korupsi Dalam Kajian Hukum Islam," *Kanun: Jurnal Ilmu Hukum* 17, no. 3 (2015): 603–14, <https://doi.org/10.24815/kanun.v17i3.6089>.

that fines from corruption cases be directed toward rebuilding affected public sectors, such as education or infrastructure. Additionally, preventive measures inspired by maqasid, like mandatory public sector audits or the establishment of integrity boards, can align with existing positive law provisions under anti-corruption frameworks like Law No. 20/2001. To institutionalize this synergy, legal reforms could integrate maqasid values into legislative drafting processes, ensuring that new laws consider not only legal conformity but also broader societal benefits. Judicial training programs on maqasid al-shariah could further enable judges to interpret legal norms in ways that reflect these ethical and preventive dimensions, thus fostering a justice system that is not only legally robust but also aligned with Indonesia's socio-religious values and the goals of substantive justice.

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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