

REFORMULATION OF THE REGULATION ON CORRUPTION CRIMES IN INDONESIA (A PERSPECTIVE OF ISLAMIC CRIMINAL LAW: ḤADD AL-ḤIRĀBAH)

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Abstract

*The regulation of corruption crimes in Indonesia continues to reveal fundamental weaknesses. Corruption convicts are still treated as “ordinary offenders,” allowing them to receive sentence remissions despite relatively short average prison terms of approximately 3.4 years. In addition, the political rights of former corruption convicts may be restored, enabling them to run again for public office. The revision of the Law on the Corruption Eradication Commission (KPK) and the prolonged delay in deliberating the Draft Law on Asset Confiscation and the Impoverishment of Corruptors further illustrate the fragility of Indonesia’s anti-corruption legal framework. Over the last two decades (2003–2023), the Corruption Perceptions Index has consistently placed Indonesia among the five most corrupt countries within the ASEAN group in 2023, with Indonesia’s score falling below the global standard. As an extraordinary crime, corruption should be addressed with extraordinary threats and sanctions. The dangers posed by corruption are comparable to other extraordinary crimes such as terrorism, narcotics abuse, and severe environmental destruction. Moreover, corruption, by virtue of its systemic and destructive impact, may be aligned with extraordinary crimes under the Rome Statute, including genocide, crimes against humanity, and crimes of aggression. In Indonesia, the death penalty for corruption is regulated under Article 2 paragraph (2) of Law Number 31 of 1999 on the Eradication of Corruption Crimes, which provides that capital punishment may be imposed under certain circumstances. However, to date, no court verdict has imposed the death penalty on a corruption offender. This situation stands in stark contrast to countries with communist or authoritarian legal orientations such as China, Vietnam, North Korea, as well as the Islamic Republic of Iran, which apply capital punishment to corruption offenders. In Islamic legal literature, corruption is referred to as *al-fasād* ,*

meaning the act of causing destruction; gratification is known as *al-ishbā'*, meaning to provide excessive benefit; and bribery is termed *rishwah*. All three concepts refer to acts constituting corruption crimes. Accordingly, corruption in Islamic criminal law is understood as an act of causing destruction, which may include the deliberate embezzlement of state funds, manipulation of the legal system, or conduct that threatens humanity itself. Causing destruction signifies an attack against the state through acts of corruption. At a certain scale, corruption constitutes an assault on the state system through the theft of public funds, which essentially belong to the people. When corruption is interpreted as state capture and as an unlawful act that violates humanitarian values (unlawful acts against humanity), it may be categorized as a *ḥadd* crime of *ḥirābah*, namely a crime that causes widespread harm and threatens public and state security, for which the most severe punishment-capital punishment-may be imposed. This article seeks to explain corruption as an extraordinary crime whose eradication must likewise be extraordinary, by grounding its argument in the values of truth and justice derived from Islamic law through the concept of *ḥadd al-ḥirābah*. A statutory approach and a conceptual approach are employed to reformulate the regulation of corruption crimes in Indonesia.

Keywords: Reformulation, Corruption Crime, *Ḥadd al-Hirābah*

1. INTRODUCTION

The Government of Indonesia has continuously sought to strengthen anti-corruption efforts through statutory regulations and other legal instruments. The establishment of the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi-KPK*) as an independent institution in 2002 was a constitutional mandate intended to position Indonesia as a more advanced state, reflected in a declining level of corruption. However, more than two decades later, these efforts have yet to produce encouraging results, as indicated by Indonesia's Corruption Perceptions Index (CPI), which has remained stagnant and even demonstrated a downward trend. Corruption is widely recognized as an extraordinary crime (*extraordinary crime*). This recognition was reaffirmed during the commemoration of International Anti-Corruption Day (*Hari Antikorupsi Sedunia-Hakordia*) in Indonesia in 2025, which adopted the overarching theme "Unite in Action to Eradicate Corruption." The official logo published on the KPK's website symbolized collective resistance to corruption and emphasized concrete, collaborative action by society. Previously, during the 2024 commemoration, the National Strategy Team for Corruption Prevention (*Strategi Nasional Pencegahan Korupsi-Stranas PK*) officially launched 15 anti-corruption prevention actions aimed at strengthening implementation effectiveness and enhancing tangible impact. These actions remain aligned with the three primary pillars of the National Strategy for Corruption Eradication, namely licensing and trade governance, state finance, and law enforcement coupled with bureaucratic reform.(Danurdara & Adhari, 2024)

The focus on law enforcement and bureaucratic reform consists of five key actions: strengthening political party integrity through the implementation of political party information systems; reinforcing the role and quality of internal government supervisory apparatus (*Aparat Pengawasan Intern Pemerintah-APIP*); enhancing governance in tax case handling; improving the management of criminal cases through information technology-based systems; and strengthening cooperation between state-owned enterprises (BUMN) and region-owned enterprises (BUMD). To measure both the depth of corruption and the effectiveness of anti-corruption measures, the KPK conducts the Integrity Assessment Survey (*Survei Penilaian Integritas-SPI*). Entering its fourth year, the SPI has been implemented across 92 central government institutions and 542 regional governments. Overall, national-scale SPI results over the past three years have shown a declining trend. On a scale of 0–100, the SPI score in 2023 was 70.97, compared to 71.94 in 2022 and 72.43 in 2021.(Ghozali et al., 2025)

According to the *Kamus Besar Bahasa Indonesia* (KBBI), corruption refers to the misappropriation or misuse of state funds (or corporate funds and the like) for personal gain or for the benefit of others. Article 2 paragraph (1) of Law Number 31 of 1999 on the Eradication of Corruption Crimes (*UU Tipikor*) defines corruption as an act of unlawfully enriching oneself, another person, or a corporation that causes losses to state finances or the national economy.(Margono et al., 2024) Article 3 further characterizes corruption as an act committed with the intent to benefit oneself, another person, or a corporation by abusing authority, opportunity, or means associated with one's office or position, thereby causing losses to state finances or the national economy.(Senajaya et al., 2026)

From a terminological perspective, the term “corruption” originates from the Latin word *corruptio*, meaning decay or deterioration, and is also used to denote a state or act of moral depravity. Over time, the term has been absorbed into the legal and linguistic vocabularies of many countries, commonly associated with dishonesty or fraud in financial matters.(Qori’ah & Sa’i, 2025) According to Henry Campbell Black, corruption is an act committed with the intent to confer an improper advantage inconsistent with official duties and the lawful rights of others. Black further defines corruption as the unlawful use of public office to obtain benefits contrary to official obligations. Similarly, *Webster’s New American Dictionary* defines “corruption” as “decay,” “contamination,” and “impurity,” while “corrupt” denotes a condition of becoming rotten, degraded, or morally depraved. Following the enactment of Law Number 1 of 2023 on the Criminal Code (*Kitab Undang-Undang Hukum Pidana-KUHP*), the handling of corruption offenses appears to have weakened. According to Srimin Pinem et al., the risk of punishment for corruption crimes under the Criminal Code is lower than under the Corruption Eradication Law (*UU PTPK*). The incorporation of corruption offenses into the 2023 Criminal Code has also raised concerns that corruption may no longer be treated as an extraordinary crime. Under Article 2 paragraph (1) of the Anti-Corruption Law, offenders are subject to imprisonment for a minimum of four years and a maximum of twenty years, along with fines of at least IDR 200 million. By contrast, Article 606 paragraph (2) of the 2023 Criminal Code stipulates that civil servants who receive gifts or promises related to their office are subject to a maximum imprisonment of four years.(Zainuddin, 2024)

Furthermore, Articles 603–606 of the 2023 Criminal Code regulate corruption with sanctions that are, in several respects, lighter than those provided under Law Number 20 of 2001 on the Eradication of Corruption Crimes. For instance, Article 603 prescribes life imprisonment or imprisonment ranging from a minimum of two years to a maximum of twenty years, accompanied by fines ranging from category II to category VI. Under Article 11 of the Anti-Corruption Law, civil servants committing similar offenses are subject to imprisonment of up to five years. Article 622 paragraph (4) of the Criminal Code stipulates that provisions of the Anti-Corruption Law referenced therein shall be replaced by the corresponding articles of the new Criminal Code, including the replacement of Article 2 paragraph (1) with Article 603, Article 3 with Article 604, Article 5 with Article 605, Article 11 with Article 606 paragraph (2), and Article 13 with Article 606 paragraph (1). The codification of corruption offenses into the Criminal Code, aside from reducing penalties, effectively reclassifies corruption as a general crime rather than a special crime. This development is particularly concerning, as corruption risks losing its status as an extraordinary crime.(Novianti, 2023)

As an extraordinary crime, corruption should be met with extraordinary legal threats and sanctions. The dangers posed by corruption are comparable to other extraordinary crimes, such as terrorism, narcotics abuse, and severe environmental destruction. Indeed, corruption has been equated with other extraordinary crimes under the Rome Statute, including genocide, crimes against humanity, and crimes of aggression. In Indonesia, the death penalty for corruption is regulated under Article 2 paragraph (2) of Law Number 31 of 1999 on the Eradication of Corruption Crimes, which provides that capital punishment may be imposed under certain circumstances. Nevertheless, to date, no court decision has imposed the death penalty on a corruption offender. This stands in contrast to countries with communist or authoritarian legal systems such as China, Vietnam, North Korea, as well as the Islamic Republic of Iran, which apply capital punishment to corruption offenses. Given that Indonesia’s population is predominantly Muslim (approximately 87%), it is appropriate for the legal system to explore and incorporate values of truth and justice derived from Islamic teachings, particularly theories of Islamic criminal law (*fiqh jināyah*). Within Islamic criminal law theory, the concept of *ḥadd al-ḥirābah* refers to a crime characterized by acts of destruction and threats to public and state security, for which the most severe punishment, capital punishment, may be imposed. This article employs a statutory approach and a conceptual approach to examine the relevance of applying the theory of *ḥirābah* as an *argumentum per analogiam* to corruption crimes. The central question addressed in this article is whether the concept of *ḥirābah* can serve as a legitimate analogical framework for reformulating the regulation of corruption crimes in Indonesia.(Dayati et al., 2024)

2. DISCUSSION

1.1. Regulation of Corruption Crimes in Indonesia

The regulation of corruption crimes in Indonesia has in fact long been embedded in the Criminal Code (KUHP), which contains provisions criminalizing individuals who commit offenses related to abuse of office, particularly corruption by public officials. However, the corruption-related provisions in the

KUHP have been widely regarded as insufficient to prevent, let alone effectively combat, corruption crimes.

Consequently, for the first time, a special law was enacted to address corruption with the aim of remedying the deficiencies of the KUHP. This effort materialized through the enactment of Law Number 20 of 2001, which amended Law Number 31 of 1999 on the Eradication of Corruption Crimes. Corruption offenses are categorized as part of special criminal law (*hukum pidana khusus*), which contains provisions that deviate from the general rules set out in the Criminal Code (KUHP). Such deviations are recognized and regulated under Indonesian positive law, particularly Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP). Article 284 paragraph (2) of the KUHP stipulates that the provisions of this law apply to all cases within two years of its promulgation, except for procedural rules stipulated in specific laws that remain applicable until amended or repealed. The elucidation of Article 284 paragraph (2) letter (b) clarifies that “special criminal procedural provisions regulated in certain laws” refer to procedural rules contained in specific criminal statutes, such as Law Number 7 (Emergency Law) of 1955 on the Investigation, Prosecution, and Trial of Economic Crimes. In addition, the Anti-Corruption Law (Law Number 3 of 1971) mandated that all special procedural provisions contained therein be reviewed, revised, or repealed without delay. The Corruption Crime Court (*Pengadilan Tindak Pidana Korupsi*) was initially established under Article 53 of Law Number 30 of 2002 on the Corruption Eradication Commission (KPK). However, after the Constitutional Court declared this provision unconstitutional, Law Number 46 of 2009 on the Corruption Crime Court was enacted, granting the court authority to adjudicate corruption cases. Due to its distinctive nature, procedural law in corruption cases exhibits a dual character. It adheres to procedural rules stipulated in Law Number 31 of 1999 while simultaneously deviating from the general principles of criminal procedure as set forth in Law Number 8 of 1981. These deviations are explicitly permitted under Law Number 31 of 1999 on the Eradication of Corruption Crimes. (Muslich, 2025)

Legislative policy in the field of special criminal law on corruption has undergone extraordinary and dynamic development. This evolution reflects deep concern over corruption, which has caused widespread suffering among the Indonesian people. To date, there are seven (7) statutory instruments governing the eradication of corruption, namely:

1. Law Number 31 of 1999 on the Eradication of Corruption Crimes as amended by Law Number 20 of 2001;
2. Law Number 30 of 2002 in conjunction with Law Number 10 of 2015 and Law Number 19 of 2019 on the Corruption Eradication Commission (KPK);
3. Law Number 46 of 2009 on the Corruption Crime Court;
4. Law Number 28 of 1999 on Clean and Corruption-Free State Administration;
5. Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering;
6. Law Number 13 of 2006 on the Protection of Witnesses and Victims;
7. Law Number 7 of 2006 on the Ratification of the United Nations Convention Against Corruption (UNCAC) 2003.

From a legal positivist perspective, the existence of these statutory instruments is considered sufficient to prevent and limit corruption crimes, relying primarily on the doctrine of unlawfulness (*melawan hukum*) as the benchmark for evidentiary assessment by law enforcement authorities in determining corruption offenses. (Jawa et al., 2024)

Law Number 31 of 1999 initially identified thirty (30) forms of corruption, which were later simplified into six (6) categories under Law Number 20 of 2001. According to this law, corruption constitutes criminal conduct that causes losses to state finances, including bribery, embezzlement in office, extortion, fraudulent acts, conflicts of interest in procurement, and gratification. The substantive regulation of corruption offenses consists of:

First, bribery, regulated under Articles 5, 6, 11, 12 letters (a), (b), (c), and (d) of Law Number 20 of 2001, and Article 13 of Law Number 31 of 1999. Second, embezzlement in office, involving intentional misappropriation of funds or securities, falsification of administrative records, destruction of evidence to protect bribe-givers, and similar acts, regulated under Articles 8, 9, and 10 letters (a), (b), and (c) of Law Number 20 of 2001. Third, extortion, defined as acts where public service officers actively offer services or demand compensation from service users to accelerate processes in violation of applicable procedures, regulated under Article 12 letters (e), (f), and (g) of Law Number 20 of 2001. Fourth, fraudulent acts, intentionally committed for personal gain and potentially endangering others, regulated under Article 7 paragraph (1) of Law Number 20 of 2001. Fifth, conflicts of interest in procurement, regulated under Article 12 letter (i) of Law Number 20 of 2001.

Sixth, gratification, broadly defined as gifts in the form of money, goods, commissions, interest-free loans, travel tickets, accommodation facilities, and other benefits related to official positions, prohibited under Article 12 letter (b) of Law Number 20 of 2001.(Hidayat et al., 2025)

Sanctions include, inter alia, restitution equal to assets obtained from corruption (Article 18 paragraph (1) letter (b)), reverse burden of proof concerning illicit assets (Article 37A paragraph (1)), and asset seizure and forfeiture. Failure to pay restitution within one month after a final judgment permits the prosecutor to confiscate and auction assets. If insufficient assets exist, imprisonment of up to two years may be imposed.(Faturachman et al., 2024)

Nevertheless, the regulation of corruption offenses under the newly enacted Criminal Code (KUHP 2023) indicates a potential weakening of anti-corruption enforcement and normative conflict (*antinomy of norms*) with Law Number 31 of 1999 as amended by Law Number 20 of 2001. According to Srimin Pinem et al.,corruption causes significant state economic damage; therefore, anti-corruption efforts must focus not only on imposing severe imprisonment but also on restoring state losses. Failure to recover assets reduces the deterrent effect of punishment. Asset recovery may occur through criminal restitution, civil proceedings, plea bargaining mechanisms, or court-ordered confiscation. Corruption offenses extend beyond state officials to civil servants and private actors involved in state financial losses. These offenses are grouped into state financial losses, bribery, embezzlement, extortion, fraud, conflicts of interest in procurement, and gratification. Ultimately, anti-corruption policy encompasses prevention, prosecution, and asset recovery, aiming at social welfare and public protection. From a criminal policy perspective, law enforcement strategies must balance legal certainty, justice, and efficiency. The enactment of KUHP 2023 raises serious concerns, as many provisions potentially hinder anti-corruption efforts. Transparency International reports confirm Indonesia's continued placement among the most corrupt countries in ASEAN, with a Corruption Perceptions Index score of 34 in 2023-below the global average of 43.(Harefa et al., 2024)

2.2. Corruption as an Unlawful Act

In the former Criminal Code, the principle of legality under Article 1 paragraph (1) stipulates that no act may be punished except pursuant to prior statutory provisions. This principle, derived from the French Penal Code, mandates strict interpretation of criminal law. Two conclusions follow: (1) criminal liability must be explicitly stipulated by law, and (2) retroactive application is prohibited except under Article 1 paragraph (2). Law Number 31 of 1999 adopts the doctrine of material unlawfulness (*materiële wederrechtelijkheid*), explicitly articulated in the elucidation of Article 2 paragraph (1). An act may be punishable even if not expressly regulated, provided it violates societal norms and a sense of justice. Article 2 paragraph (1) stipulates imprisonment of 4–20 years and fines for unlawfully enriching oneself or others causing state financial loss, with the death penalty permissible under certain circumstances. Formal unlawfulness refers to violation of statutory norms, while material unlawfulness concerns harm to protected social interests. Strict adherence to legal certainty must be balanced with substantive justice.(Fadilah et al., 2023)

2.3. Corruption as an Extraordinary Crime

The status of corruption as an extraordinary crime is increasingly questioned following KUHP 2023. The abandonment of the *lex specialis* principle and the reclassification of corruption as a general offense risk diminishing specialized enforcement authority, including the powers of the KPK. Internationally, corruption is recognized as a serious human rights violation and has been proposed as a crime against humanity. UNCAC and international declarations underscore corruption as a global threat to sustainable development.(Junaidi & Subiyanto, 2026)

2.4. Corruption as Ḥadd al-Ḥirābah

In Islamic law, corruption relates to various concepts such as *ḥirābah*, *sariqah*, *ghulūl*, *risywah*, and *khiyānah*. Among these, *ḥirābah* constitutes a *ḥudūd* offense with severe sanctions, including the death penalty. The Indonesian Council of Ulama (MUI) has declared corruption unlawful (*haram*), though without specifying penal sanctions. Classical Islamic criminal law (*fiqh jināyah*) defines *ḥirābah* as violent acts threatening public security and order. Based on Qur'an Surah al-Mā'idah (5):33, *ḥirābah* entails severe punishments. If corruption is understood as *state capture* and a crime against humanity, it may be analogically categorized as *ḥadd al-ḥirābah*, as it constitutes an assault on public rights and state integrity.(Pramudya & Yusuf, 2026)

In Islamic law, the concept of corruption is associated with several derivative terms found in the Qur'an and the Hadith, including: (1) *hirābah* (waging war or banditry), (2) *sariqah* (theft), (3) *ghulūl* (embezzlement), (4) *risywah* (bribery), (5) *khiyānah* (betrayal of trust), (6) *suht* (unlawful gain), and (7) *dalw* (criminal conspiracy). Among these terms, *hirābah* and *sariqah* possess comprehensive normative content concerning their legal rules and sanctions; therefore, they are classified as *hudūd* crimes within the theoretical framework of Islamic criminal law. (Prasad, 2026) The Indonesian Council of Ulama (*Majelis Ulama Indonesia*-MUI), during its Sixth National Congress held on 23–27 Rabī' al-Thānī 1421 H (25–29 July 2000), deliberated on bribery (*risywah*), corruption (*ghulūl*), and gifts to public officials. In its fatwa, MUI determined that: (1) giving and receiving bribes (*risywah*) is unlawful (*harām*); and (2) committing corruption is unlawful (*harām*). MUI employed the terms bribery (*risywah*) and corruption (*ghulūl*). As a religious authority, MUI is limited to issuing normative fatwas in accordance with Islamic legal principles; therefore, no explicit penal sanctions are stipulated in the fatwa, unlike statutory criminal regulations. (Haga & Adhari, 2026)

Within the corpus of Islamic criminal jurisprudence (*fiqh jināyah*), there exist criminal offenses whose rules and sanctions are explicitly prescribed in the Qur'an, known as *jarimah hudūd*. One such offense is *hadd al-hirābah*. Linguistically, the term *hirābah* derives from the verb *haraba–yahrubu*, meaning “to wage war,” which stands in contrast to peace. Its verbal nouns include *harban*, *harbān*, and *hirābatan*. The term *hirābah* may also signify the forcible seizure of property, destruction, and devastation. Etymologically, *hirābah* refers to *qaṭ' al-ṭarīq* (cutting off the road), while terminologically it denotes the taking of another's property through violence. At first glance, perpetrators of *hirābah* may be described as bandits, highway robbers, or armed assailants. Robbery (*hirābah*) constitutes one of the *jarimah al-hudūd*, namely criminal acts whose type, severity, and punishment are determined by divine law (*sharī'ah*). Jurists often refer to it as *qaṭ' al-ṭarīq* (highway robbery) or *al-sariqah al-kubrā* (grand theft). Muṣṭafā Aḥmad al-Zarqā defines robbery as the seizure of another's property through violence and killing. Similarly, 'Abd al-Qādir 'Audah explains that *hirābah* may manifest in several forms: first, acts of violence that disrupt public security even without theft or killing; second, violent robbery without homicide; third, violent acts involving killing without successful theft; and fourth, violent acts involving both theft and killing. (Rezah & Sapada, 2026)

The Qur'anic basis for *hirābah* is found in Surah al-Mā'idah (5):33:

أَمَّا جَزَاؤُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا
أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ
لَهُمْ حَزَنٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ ﴿٣٣﴾

“Indeed, the recompense of those who wage war against Allah and His Messenger and strive to spread corruption on earth is that they be killed or crucified, or that their hands and feet be cut off on opposite sides, or that they be exiled from the land. That is for them disgrace in this world; and for them in the Hereafter is a great punishment.”

According to Muṣṭafā al-Zarqā, the principal element of *hirābah* is violent conduct that disrupts public security, whether carried out with weapons or without weapons, and whether occurring in rural areas, urban centers, or public roads used by the community. Scholars of the Ḥanafī school define *hirābah* or *qaṭ' al-ṭarīq* as the act of attacking and forcibly seizing the property of road users, thereby obstructing their passage and effectively cutting off public roads. Such acts may be committed individually or collectively, provided the perpetrators possess the capacity to obstruct public passage. The means employed may include weapons, swords, or other tools such as sticks, stones, or wooden objects, all of which disrupt public order and security. These acts may be carried out through direct cooperation or indirect assistance among perpetrators. Muḥammad Abū Zahrah further elaborates on the technical aspects of *hirābah*, including the type of weapons used and the number of perpetrators involved. Jurists differ in defining who qualifies as a perpetrator of *hirābah*. Imām Mālik stated: “According to us, the perpetrator of *hirābah* is one who causes public distress, whether in urban or rural areas. Anyone who brandishes weapons and terrorizes people on city streets or outside urban areas must be confronted by the head of state (imam). If such acts are allowed to continue, they will intensify and result in greater harm, including killings and property seizure. If the perpetrators are apprehended before successfully stealing

property or taking lives, the punishment shall be *ta'zīr* and detention at the discretion of the authority, as the act constitutes a grave sin. However, if the perpetrators succeed in stealing property that reaches the *niṣāb* threshold, then the imam shall order the amputation of the right hand and left foot.” According to ‘Abd al-Qādir ‘Audah, *ḥirābah* constitutes robbery or grand theft. The inclusion of robbery within the conceptual scope of theft is metaphorical rather than literal, as theft involves clandestine appropriation, whereas robbery entails overt seizure. Nevertheless, robbery also contains an element of concealment, namely the perpetrators’ evasion of state authority and lawful order. Consequently, the term *sariqah* does not fully encompass robbery without additional clarification, which is why robbery is referred to as grand theft. (Rudi Margono, 2026)

From the foregoing explanations, it becomes evident that *ḥirābah* is a criminal act that constitutes waging war against Allah and His Messenger by spreading corruption on earth, for which the maximum sanction may include capital punishment. If corruption is conceptualized as *state capture* and as an unlawful act against humanity, it may be analogically categorized as *ḥadd al-ḥirābah*, as it constitutes an assault on the rights of Allah and His Messenger—interpreted in this context as an assault on the state, public interest, and collective rights. Despite various scholarly interpretations, no explicit and definitive theorization of corruption exists within classical Islamic law. Several opinions, including the fatwa of the Indonesian Council of Ulama (MUI), explain corruption through Qur’anic and Prophetic terminology that reflects Islamic moral and legal values; however, corruption is not articulated as a concrete legal offense accompanied by specific penal sanctions. Islamic criminal law, which classifies offenses into *ḥudūd*, *qiṣāṣ*, and *ta'zīr*, tends to position corruption primarily as a *ta'zīr* offense, although it should conceptually intersect with *ḥudūd* crimes. (Kandia et al., 2026)

3. CONCLUSION

- a) The regulation of corruption offenses following the enactment of Law Number 1 of 2023 on the Criminal Code has the potential to weaken the enforcement of anti-corruption law in Indonesia. The sanctions prescribed under the 2023 Criminal Code are lower than those stipulated in the previous anti-corruption legislation. Moreover, the incorporation of corruption offenses into the new Criminal Code raises serious concerns that corruption is no longer treated as an extraordinary crime.
- b) If corruption is conceptualized as *state capture* and as an unlawful act against humanity (*unlawfully against humanity*), it may be categorized as *ḥadd al-ḥirābah*, whereby, at a certain scale, corruption offenders should remain subject to the maximum penalty, including capital punishment (death penalty).
- c) The interpretation of corruption as *ḥadd al-ḥirābah* is grounded in the shared characteristics of both offenses, namely the act of plundering and depriving the people of their fundamental rights. As extraordinary crimes, both require persistent and decisive eradication by the state in order to protect public legal interests.
- d) The values embedded in Islamic teachings concerning *ḥadd al-ḥirābah* may serve as a normative legal source for the reformulation of corruption crime regulations in Indonesia, as part of a broader effort to strengthen anti-corruption enforcement.

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