



GRATIFICATION OF PUBLIC OFFICIALS REVIEWED IN PERSPECTIVE ISLAMIC LAW

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Abstract

Received:

1-07-2023

Revised:

12-07-2023

Published:

30-07-2023

This research aims to describe the gratification practices accepted by public officials within the framework of an Islamic legal perspective. The research method used is a literature review study, where various literature sources such as academic journals, books, articles and related papers are studied comprehensively. The results of this research show, among other things. First, Islamic law has a firm view on the practice of gratification accepted by public officials. This practice is considered to violate the principles of justice, transparency and accountability which are the basis of Islamic teachings. Second, in the view of Islamic law, accepting gratuities by public officials can be considered a form of bribery or rasywah which damages the morality and integrity of individuals and society as a whole. Third, Islamic scholars and scholars throughout history have voiced their rejection of the practice of gratification in the context of government or public officials.

Keywords: Gratification, Public Officials, Islamic Law

Abstrak

Diterima:

1-07-2023

Direvisi:

Penelitian ini bertujuan untuk mendeskripsikan praktik gratifikasi yang diterima oleh pejabat publik dalam kerangka perspektif hukum Islam. Metode penelitian yang digunakan adalah studi literature review, di mana mengambil berbagai sumber literatur seperti jurnal akademis, buku, artikel, dan makalah terkait akan dikaji secara komprehensif. Hasil penelitian ini menunjukkan

12-07-2023 antara lain. Pertama, hukum Islam memiliki pandangan
Dipublikasi: yang tegas terhadap praktik gratifikasi yang diterima
30-07-2023 oleh pejabat publik. Praktik ini dianggap melanggar
prinsip keadilan, transparansi, dan akuntabilitas yang
menjadi landasan dalam ajaran Islam. Kedua, dalam
pandangan hukum Islam, penerimaan gratifikasi oleh
pejabat publik dapat dianggap sebagai bentuk suap atau
rasywah yang merusak moralitas dan integritas
individu serta masyarakat secara keseluruhan. Ketiga,
ulama dan cendekiawan Islam sepanjang sejarah telah
menyuarakan penolakan terhadap praktik gratifikasi
dalam konteks pemerintahan atau pejabat publik.

Katakunci: Gratifikasi, Pejabat Publik, Hukum Islam

INTRODUCTION

Gratification often occurs from habits that are not realized by every human being on this mortal earth, both among civil servants, public officials and even ordinary people. For example, gratification for giving gifts by civil servant organizers and their families at a private event, or receiving certain unreasonable facilities. This kind of thing will become a habit that sooner or later can influence decision making by the civil servants or state administrators concerned.¹

The words gratification now seem to no longer be taboo to be discussed and heard. The reason is because perhaps this case has happened too often in this country, maybe it has even spread everywhere in various positions and levels. Apart from being considered contrary to the culture of giving that exists in Indonesian society, gratification laws are also often considered inconsistent with religious teachings. Because in the culture of mutual giving

¹ Iskandar, and T. Kurniawan. (2020) Gratifikasi di Badan Usaha Milik Negara Berdasarkan Motif Kecurangan: Sebuah Tinjauan Literatur. *Jurnal Ilmiah Ilmu Pemerintahan*, 5(2), 81-97. <https://doi.org/10.14710/jiip.v5i2.7690>

is something that is highly recommended in Islam. The issue of giving gifts (gratifications) is seen as the act or behavior of someone who distributes an object or money to another person which is permissible. However, when someone gives a gift with certain aims and objectives so that it can influence the policies or even decisions of authorized public officials for the benefit of himself and his family, of course this will constitute deviant behavior or known as gratification.²

In the Corruption Eradication Commission (KPK) report, it has recently received 4,365 reports of gratification from January 1 2022 to December 2022. The most frequently reported types of gratification were in the form of flower arrangements, food or drinks with a total of 658 reports. Then gratuities in the form of money, vouchers, precious metals and other means of exchange reached 409 reports. Souvenirs, plaques, items with agency logos 105 reports. As well as travel tickets, banquets, lodging facilities and other facilities 34 reports. There were also gratuities in the form of other items with a total of 387 reports. According to KPK records, the agencies that reported the most acts of gratification were the Ministry of Finance with 836 reports, Bank BNI with 285 reports, the Financial Services Authority with 215 reports, the Food and Drug Supervisory Agency with 135 reports, and the Employment Social Security Administration with 122 reports.³

One of the *modus operandi* of corruption that has developed in the criminal law system in Indonesia is gratification. Discussions about criminal acts of gratification cannot be separated from discussions about criminal acts of corruption in general. Bearing in mind that gratification is a

² Fazzan, & Ali, K. A. (2017). Gratifikasi dalam Hukum Positif di Indonesia dan Solusinya Menurut Islam. *Jurnal Syariah*, 24(2), 179-206. <https://doi.org/10.22452/js.vol24no2.1>

³ KPK. (2023). *Laporan Gratifikasi Sepanjang Tahun 2022*. Jakarta: <https://www.kpk.go.id/id/splash>.

form of *modus operandi* for the criminal act of corruption itself. Regarding the element of legal substance, especially the material legal substance of criminal acts of corruption, in the author's opinion there are basically no weaknesses that have the impact of being an obstacle in the process of investigating criminal acts of corruption. However, the substance of formal law, especially those related to the institutional legal structure of investigators, creates various obstacles at the implementation stage.⁴

Gratification is an important element in the system and mechanism of gift exchange, so this condition raises many questions for state administrators and society as to what is meant by gratification, and whether gratification is the same as giving gifts which are generally carried out by the public or every gratuity received by state administrators. and state employees are acting contrary to the law, then what forms of gratification are prohibited or permitted. These are all questions that are often encountered in every gratification issue.⁵

Apart from being considered contrary to the culture of giving that exists in Islamic society in Indonesia, gratification laws are also often considered inconsistent with religious teachings. This is because the culture of giving to each other is something that is highly recommended in Islam. Based on the background above, this issue needs to be explained regarding gratuities reviewed from the perspective of Islamic law. Researchers are interested in conducting research related to the theme of gratification of public officials from an Islamic legal perspective. This research will have differences from existing research, it

⁴ Wijiatmo, & Supanto. (2019). Kebijakan Hukum Pidana Dalam Memberikan Perlindungan Hukum Terhadap Guru Dalam Hal Kedisiplinan. *Pasca Sarjana Hukum UNS*, 85–9.

⁵ Danil, E. (2014). *Korupsi: Konsep, Tindak Pidana, dan Pemberantasannya*. Jakarta: Raja Grafindo Persada.

should be noted that previous research used more of a normative approach, whereas this research will use a literature review approach to analyze various journals and articles with similar themes related to the gratification of public officials from an Islamic legal perspective. The main aim of this research is to identify Islamic legal views on gratuities received by public officials. This research also aims to describe the legal and ethical implications that arise from the practice of gratification in the context of Islamic law.

METHOD

The research method used in this research is a literature review approach. The literature review approach is a method that aims to help find the best results that can be obtained by searching the literature systematically then reading all the literature obtained and analyzing all the literature data and making conclusions from the results of the literature data analysis to answer research problems efficiently, clearly and relevantly. One of the distinctive characteristics of literature review research is that the data already exists. Data taken from the results of relevant research that already exists and has been previously tested, scientifically published on a particular topic and related to the research question being conducted. Specifically, in this research, to gain an understanding regarding the gratification of public officials, it is reviewed from the perspective of Islamic law.⁶

The data collection method used in this research is by collecting as much research data as possible originating from journals, articles and other scientific writings similar to the theme of gratification of public officials viewed from the perspective of Islamic law. The purpose of this data collection is to look for the best research results that can be

⁶ Siyoto, Sandu, & Ali, S. (2015). *Dasar Metodologi Penelitian*. Yogyakarta: Literasi Media Publishing.

obtained with a similar theme related to the gratification of public officials reviewed from an Islamic legal perspective, then compare more than two research results, articles and journals with a similar theme, without the researcher having to conduct more research.⁷

The data analysis technique used in this research is data extraction. Data extraction is taking all research data obtained from journals, articles and similar scientific writings with the theme of gratification of public officials reviewed from the perspective of Islamic law. Furthermore, the data is used for research and analyzing the data obtained into new data by filtering the data used in research into several categories and by taking valid data and excluding less valid data so that optimal new data is obtained and satisfactory results.⁸

DISCUSSION

Definition of Gratification

In the Indonesian dictionary, gratification is defined as giving monetary gifts to employees outside the specified salary. Meanwhile, in the Law dictionary, gratification, which comes from Dutch, gratificatie, or in English, gratification, is defined as a gift of money. Based on these two definitions, both in the Indonesian dictionary and the Law dictionary, gratification is defined as giving gifts in the form of money. The definitions in both dictionaries are neutral. This means that the practice of gratification is not a disgraceful practice or negative act. While the object of gratification in the Indonesian dictionary is clearly aimed at employees, whereas in the Law dictionary, the object of

⁷ Andrew, S. D., & Richard, T. (2013). How to Write a Literature Review. *Journal of Criminal Justice Education*, 24(2), 218-234. <https://doi.org/10.1080/10511253.2012.730617>

⁸ Rianse, Usman, & Abdi. (2008). *Metodologi Penelitian Sosial dan Ekonomi: Teori dan Aplikasi*. Bandung: Alfabeta.

gratification is not specified. The definition of gratification according to the law is in the explanation of article 12 B paragraph 1 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, that what is meant by "gratification" in this paragraph is a gift in the sense broad, namely including giving money, goods, discounts, commissions, interest-free loans, travel tickets, accommodation facilities, free treatment, and other conveniences. These gratifications are either received domestically or abroad and are carried out using electronic means or without electronic means.⁹

If you examine the explanation of article 12 B paragraph 1 above, the sentences included in the definition of gratification are limited to giving sentences in a broad sense, while the sentences after that are forms of gratification. From the explanation of article 12 B paragraph 1, it can also be seen that the meaning of gratification has a neutral meaning, that is, there is no reprehensible or negative meaning in the meaning of the word gratification. If this explanation is connected to the formulation of article 12 B, it can be understood that not all gratuities are contrary to the law, except for gratuities that meet the criteria in the elements of article 12 B only.

It is necessary to look at the summary of article 12 B paragraph 1 of the Law Number 20 of 2001, every gratuity to a State Official or State Administrator is considered to be corruption, when it is related to his rank and that is contrary to his obligations or duties. If seen from the formulation above, then it can be concluded that gratification or giving gifts will turn into an act of corruption, especially for a State Official or State Administrator if they receive gratification or gifts from any party as long as the gift is given in connection with their position or work . However, if the gift is not

⁹ Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi.

related to his job or position and does not conflict with his duties, then the gift is still in the form of gratuity which is allowed according to the law.

One of the customs in society is giving as a sign of gratitude for the services provided by staff, either in the form of goods or money. This can become a negative habit and can become a potential act of corruption in the future. This potential for corruption is what is trying to be prevented through existing laws. The law does not prohibit the practice of gratuities or giving gifts among the public in general, but there is a prohibition on civil servants or state administrators from accepting gratuities that may be considered corruption.

There are three differences between the practice of gratification and the practice of corruption. First, the strictness of the law. The practice of corruption in the form of national financial loss, bribery, malpractice in office, cheating, conflict of interest in the procurement of tenders is clearly illegal. But in relation to the practice of gratification, when the practice is proven to exist, it cannot continue to be punished as illegal, it even needs to take into account certain considerations. The intended consideration is that the award is made because it is related to his position which is contrary to the obligations or duties of State Officials or State Administrators.¹⁰

In other words, gratification is basically a practice that encourages acts contrary to the law from other corrupt practices. Second, it depends on the scope of practice. The practice of corruption other than gratification is only limited to the amount of practice that has been determined by law, but with regard to the practice of gratification its nature is not reprehensible. This is because the gift referred to is a gift in the broadest sense of the word. In this way, forms of

¹⁰ Laia, F. (2022). Penerapan Hukum Pidana Pada Tindak Pidana Gratifikasi Yang Dilakukan Dalam Jabatan. *Jurnal Panah Keadilan*, 1(2), 1-1.

practice that are not included in the types of practice mentioned in the law may be included in gratuities. Third, in terms of assessment emphasis. Corruption, apart from gratification, emphasizes the assessment measured based on the institution or person given power. Namely an assessment of the existence of a position or power to do so. However, apart from being measured from the perspective of the institution or person given the power, it also needs to be assessed from the perspective of the community. This is because there are also community factors that support this action so that it takes effect.¹¹

Based on the explanation above, it can be concluded that gratuity allowed by the current law in Indonesia is a gift made with sincere intentions from one person to another as a "thank you" without expecting any return. While gratuity that is prohibited by law is the acceptance of gratuity by a State Official or State Administrator which is considered an act of corruption when the gift is given because it is related to the position as a state official and is contrary to his obligations or duties.¹²

Gratification Perspective of Islamic Law

Several previous studies have answered that gratification in the sense of giving gifts in the form of money, bonuses, or other halal services to officers or officials is basically permissible as long as there is no prior agreement, it is not excessive, and it is not given in advance (before the matter is completed). The giver and receiver in this case are innocent. Because this is part of a sign of gratitude, thanking those who have contributed. Meanwhile, if there is concern

¹¹ Maradona, B. T. (2020). Tindak Pidana Gratifikasi di Indonesia Ditinjau Dari Aspek Budaya Hukum. *Jurnal Hukum dan Pembangunan Ekonomi*, 8(2), 27-39. <https://doi.org/10.20961/hpe.v9i1.52526>

¹² Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi.

that the gift will affect the mental health of the officers concerned, this is in the realm of ethics, and at maximum legal value it could be makruh lisadd aldzari`ah. However, if the gratification is a gift that is promised in advance to the relevant officer or official, whether the value is large or small, then this falls into the category of bribery (risywah) which is forbidden, so that the giver and recipient are both guilty.¹³

Other research also states that gratification is money given to judges or employees outside of the predetermined salary. In Arabic, gratification is known as riswah, according to the language riswah means wages, gifts, commissions or bribes. Meanwhile, according to the term riswah, it means something that is given in order to bring about benefit or something that is given in order to correct what is false/wrong or blame what is right. In the book fatuhul muuin written by Zainuddin Al-malibari (Gratification), according to him, a gift is a gift which is given by delivering it to the one who is given in order to glorify him, even the gift is simply done by the giver sending it and the person giving it taking it. The negative impact of gratification or bribery is as follows. First, the judge will be more inclined and more pleased to serve the person who gave him the gift. Second, when the judge received a gift from one of the consumers, it caused him to work unprofessionally. Third, when working, judges are always expecting gifts from consumers.¹⁴

Islam does not recognize the term gratification, but Islam recognizes gifts and gifts. Forms of giving in Islam, with its various terms, cannot be said to be gratification

¹³ Andiko, T. (2017). Sanksi Bagi Pemberi dan Penerima Gratifikasi Perspektif Hukum Islam. *Jurnal Hukum Islam Dan Peradilan*, 1(1), 32-45.

¹⁴ Rasyidin, R. (2017). Gratifikasi Kepada Pejabat dalam Tinjauan Perspektif Hukum Islam. *Legalite. Jurnal Perundang Undangan dan Hukum Pidana Islam*, 1(2), 21-39. <https://doi.org/10.32505/legalite.v1i2.263>.

unless the term contains elements and criteria for gratification. The term in Islam that is closest to explaining gratification in Islam is *risywah*, bribe or kickback. Provisions regarding gratuities are considered not to work optimally, this is due to public ignorance regarding gratuities, especially if these provisions conflict with acts of receiving and giving which are customary in society.¹⁵

Scholars differ in their opinions regarding the issue of *risywah* or bribery, some of which are permissible and some of which are strictly forbid it. Those who argue that *risywah* is haram if there are elements that justify what is wrong and blame what should be right. Meanwhile, those who consider that gratification is halal if the bribe is given in order to defend or fight for rights that should be received by the party giving the bribe. Gratification has been declared a criminal act of corruption since it was regulated in the Corruption Eradication Law, Law Number 20 of 2001, although historically gratification has been implicitly regulated in the Criminal Code (KUHP), but there have been changes. special criminal law for corruption.¹⁶

From the description of gratuity, it can be concluded that, in Islam, gratification has a very broad meaning, namely all forms of giving. Practices of gratification in Islam sometimes take the form of alms, grants, gifts and *risywah*. Among the several forms of gratification can be distinguished as follows. First, alms is the handing over of ownership of property to another person without any means of exchange, done only for the sake of obtaining rewards in the afterlife. Second, a gift is the handing over of ownership

¹⁵ *Gazali, M. (2019). Fenomena Kasus Gratifikasi Oleh Bupati Barru (Studi Putusan Mahkamah Agung Nomor 603K/PID.SUS/2017). Fakultas Syariah dan Hukum Universitas Alaudin Makassar, 1-64.*

¹⁶ Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi.

of property to another person without any means of exchange and without expecting anything in return. Third, a gift is the handing over of ownership of property to another person without any return or means of exchange, where the handover is sent to the place of the person being given it as a tribute or because of achievement. So the difference between a gift and a gift is that a gift is given out of respect or because of someone's achievements. And fourth, risywah is something given to judges or rulers and others in all forms and ways.¹⁷

Sometimes the gift is in the form of property or something that is useful for the recipient, so that the giver's wishes come true. There are forms of gratification in Islam that fall into the positive category and the negative practice category. Gratification in the form of alms, grants and gifts is included in the practice of positive gratification, this practice is indeed recommended in Islam. Those who do this practice of gratification will receive a reward in the form of heaven and in this world their wealth will be multiplied, because this practice is part of a form of gratitude for the wealth that Allah has entrusted to them. As for gratification in the form of gifts to rulers and risywah, it is included in negative gratification practices, because these two forms of gratification practices have been mentioned in the Qur'an and hadith as practices that are prohibited by syara', namely an immoral practice (jarimah), while in the text does not explain the type of punishment for him. And providing risywah in a situation to uphold the truth and prevent injustice, according to some scholars there is forgiveness (rukhsah), when there is no other solution for it.¹⁸

¹⁷ Mukhtar, M., & Herawati, A. (2022). Gratifikasi dalam Perspektif Hadis. *Ash-Shahabah: Jurnal Pendidikan dan Studi Islam*, 8(1), 46-54. <https://doi.org/10.59638/ash.v8i1.440>

¹⁸ Yusuf, I. W., & Hidayatullah, S. M. (2020). Konsep Gratifikasi dalam Kitab Nihayah az-Zain Karya Syekh Nawawi al-Bantani (Studi

Gratification in the form of gifts to rulers and risywah is included in the category of jarimah ta'zir. For this reason, perpetrators of this practice are punished with punishments in the form of ta'zir punishment, ranging from the heaviest to the lightest punishment. The basis for choosing a gratuity penalty is determined by the judge by considering the benefits.¹⁹

Gratification Sanctions

Regarding sanctions for acts of gratification, basically the giver and recipient are of the same position. If the gratuity leads to a positive risywah, then the recipient can be subject to the punishment of takzir, while the giver is free because he fought for the rights he should have received. Furthermore, there are clearly no sanctions for positive gratification because the law is permissible. Meanwhile, for negative gratification, both the giver and the recipient can be subject to legal sanctions, the type, form and level of punishment can be left to the legal policy of the local government or a judge representing on behalf of the government.

As for legal sanctions for perpetrators of gratification in the sense of risywah, it seems that they are not much different from the legal sanctions for perpetrators of ghulūl or embezzlement, namely takzir punishment, because both of them are not included in the realm of qishas and hudud. In this case, Abdullah Muhsin al-Tariqi stated that the legal sanctions for perpetrators of the crime of gratification are not clearly stated by the Sharia (Allah and Rasul/Quran and hadith) considering that the sanctions for criminal acts of

Komparasi dengan Undang-undang dan Fatwa MUI). *Journal of Indonesian Comparative of Syariah Law*, 3(2), 25-157.
<https://doi.org/10.21111/jicl.v3i2.5061>

¹⁹ Karim, A., Fazzan, & Zulqarnain. (2016). Konsep Gratifikasi dalam Perspektif Hukum Islam. *Al-Risalah*, 16 (1). 1-18.
<https://doi.org/10.30631/al-risalah.v16i01.332>

risywah are included in the category of takzir sanctions whose competence is in the hands of judge. To determine the type of sanctions, of course it must be in accordance with the rules of Islamic law which are in line with the principles of maintaining the stability of social life, so that the severity and light of legal sanctions must be adjusted to the type of criminal act committed, adapted to the environment in which the violation occurred, linked to the motivations that encourage a criminal act to be committed. The point is that risywah falls into the category of the crime of takzir.²⁰

In several hadiths regarding risywah, it is stated with the statement "Allah curses bribers and recipients of bribes or in other statements Allah curses bribers and recipients". Even though the parties involved in risywah are declared cursed or damned, the result is that risywah is categorized as one of the major sins. However, because there are no strict provisions regarding the types and procedures for imposing sanctions, risywah is included in the group of criminal acts of takzir. Abdul Aziz Amir said that because in the text of the arguments regarding the criminal act of risywah there is no mention of the type of sanction that has been determined, the sanction that is applied is the takzir punishment.

The takzir sanctions for perpetrators of risywah crimes were further explained by al-Tariqi that the takzir sanctions for perpetrators of risywah crimes are a consequence of an attitude of going against Islamic law and as a consequence of an attitude of opposing/defying Allah. Therefore, strict sanctions must be given that are appropriate and contain (purposeful elements) to save many people from the crimes of criminals, to rid society of criminals. Moreover, the culture of bribery is one of the types of vices that must be eradicated. from a community, as the Messenger of Allah

²⁰ Andiko, T. (2017). Sanksi Bagi Pemberi dan Penerima Gratifikasi Perspektif Hukum Islam. *Jurnal Hukum Islam Dan Peradilan*, 1(1), 32-45.

said, "whoever of you sees evil, then change that evil with his hand..." (HR. Muslim, al-Tirmizî, al-Nasâ'î and Ahmad). Changing evil by hand as ordered in this hadith is basically a task that lies on the shoulders of the government and authorized agencies to change this evil." Al-Tarîqî's statement is indeed very logical, namely that the evils that occur in society, especially collective evils such as the problem of bribery, which is a form of corruption in Indonesia, must be handled directly by the government in collaboration with all components of the nation. Because it is impossible for certain individuals to try to eradicate the tradition of corruption that occurs in almost all lines and sectors of life.²¹

The government's efforts so far have not only been during the reform period, even since the Old Order and New Order eras, various regulations and a series of laws have emerged to try to eradicate this corruption, but as can be seen the results are still not satisfactory. Legal experts are still debating at the level of the meaning of words in certain circumstances and some are even trying to examine the word "can" in the formulation of the death penalty article for corruptors. The word can be facultative, so that if a corrupt person commits corruption under certain circumstances and can be sentenced to death, then he may also not be sentenced to death. This shows that the death penalty for corruptors like AM, even though it has caused the country to shake, if we refer to the formulation of this article, he may not be sentenced to death. Therefore, the discourse on the death penalty absolutely requires comprehensive, simultaneous, in-depth and serious discussion involving many parties so

²¹ Mauliddar, M., Din, M., & Rinaldi, Y. (2017). Gratifikasi sebagai Tindak Pidana Korupsi Terkait Adanya Laporan Penerima Gratifikasi. *Kanun Jurnal Ilmu Hukum*, 19(1), 155-173.

that it can truly bring prosperity and peace in accordance with society's sense of justice.

Examples of Cases of Gratification of Public Officials

The first gratification case was initiated by the former chairman of the democratic party, Anas Urbaningrum, who was proven to have received gratuities worth tens of billions of rupiah and millions of US dollars in the Hambalang project corruption case. Gratuity of IDR 2.2 billion from PT Adhi Karya so that the company won the auction for the Hambalang physical work. Anas also received IDR 25.3 billion and 36,070 US dollars from the Permai Group which is owned by former general treasurer Nazaruddin, as well as IDR 30 billion and 5.2 million US dollars from Nazaruddin. Apart from that, Anas was also proven to have received a toyota harrier car and survey facilities from the Indonesian survey circle amounting to IDR 478.6 million. According to the first instance court judge, the gratification Anas received was used for his nomination as general chairman of the democratic party. However, the use of money for nominations was declared not proven by the panel of judges at the judicial review (PK) level. At the PK level, the supreme court reduced Anas' sentence to 8 years in prison after previously being sentenced to 14 years at the cassation level.²²

Anas' former party colleague, Nazaruddin, was also involved in a graft case when he was a member of the DPR for the 2009-2014 period. Nazaruddin received gratuities from PT Duta Graha Indah and PT Nindya Karya for a number of projects in the education and health sectors, which amounted to IDR 40.37 billion. When he received the gratuity, Nazaruddin still had the status of a member of the

²² KPK. (2021). *Daftar Kasus Gratifikasi Pejabat Publik di Indonesia*. Jakarta: <https://www.kpk.go.id/id/splash>.

DPR. He is also the owner and controller of the Anugrah Group which changed its name to the Permai Group.

Furthermore, the case of former Jambi Governor Zumi Zola is one of a number of regional heads who dealt with the corruption eradication commission (KPK) because they were involved in a graft case. According to the panel of judges at the Jakarta corruption court, Zumi was proven to have received more than IDR 40 billion, 177,000 US dollars, 100,000 Singapore dollars and 1 toyota alphard car. If detailed, Zumi received money through someone close to him, Apif Firmansyah, amounting to IDR 34.6 billion.

In another case, former minister of youth and sports Imam Nahrawi was proven to have received gratuities worth IDR 8,348,435,682 from a number of parties through his personal assistant, Miftahul Ulum. Based on the indictment, one of the gratuities was used to pay the design costs for Imam's house in the Cipayung and Jagakarsa areas worth IDR 2 billion. Imam Nahrawi Imam is also said to have spent Rp. 4.948 billion in gratuities taken from the budget of the gold Indonesia program Implementation Unit to finance a number of personal needs. These needs include breaking the fast together at the Imam's official residence, buying clothes, paying for F1 entry tickets for the ministry of youth and sports group on march 19-20 2016, and paying credit card bills in the name of Ulum.

CONCLUSION

From the literature review study conducted regarding the gratification of public officials from an Islamic legal perspective, several important conclusions can be drawn. First, Islamic law has a firm view on the practice of gratification accepted by public officials. This practice is considered to violate the principles of justice, transparency and accountability which are the basis of Islamic teachings. Second, in the view of Islamic law, accepting gratuities by

public officials can be considered a form of bribery or rasywah which damages the morality and integrity of individuals and society as a whole. The principles of ethics and justice upheld in Islamic law encourage avoiding all forms of behavior that harm others and injure the integrity of the government system.

Third, Islamic scholars and scholars throughout history have voiced their rejection of the practice of gratification in the context of government. They emphasized the need for fair law enforcement and transparent policies to prevent corruption and abuse of authority. These perspectives provide a strong foundation for developing a legal and ethical framework that can address the challenges of gratification in the context of Islamic law. In this context, the main conclusion is that gratification of public officials not only involves legal issues, but also has an ethical dimension that is very important from the perspective of Islamic law. A holistic approach is needed that integrates religious, legal and ethical values to combat gratuitous practices and ensure integrity in government.

This conclusion provides a deeper understanding of the negative impact of gratification practices on social order and Islamic values. Therefore, there needs to be a collective effort to build awareness of the implications of gratification, encourage the adoption of moral practices, and develop stronger law enforcement mechanisms in order to create a government that is clean, fair, and in accordance with the principles of Islamic law.

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