



Analysis of the Relationship between Abuse of Power in Corruption Crimes and the Principles of Islamic Constitutional Law (A Fiqh Siyasah Review)

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Abstract

Abuse of office leading to criminal acts of corruption is one of the greatest threats to governance and public welfare in Indonesia and other Muslim countries. From the perspective of Islamic constitutional law—which is a branch of fiqh siyasah (especially siyasah dusturiyah)—public office is understood not merely as administrative power, but as a mandate that must be carried out with the principles of justice (al-'adl), responsibility (al-mas'uliyah), and orientation towards the public interest (maslahah 'ammah). Any form of abuse of power and authority in public office is seen as a betrayal of the trust given by Allah SWT and society. This article aims to analyse the relationship between abuse of office leading to corruption and violations of the principles of Islamic constitutional law, particularly within the framework of fiqh siyasah. This study uses a qualitative-normative approach with a literature review method of classical Islamic sources such as the works of Al-Mawardi and Ibn Taymiyyah, as well as contemporary literature discussing governance reform based on Islamic values. The data was analysed using a descriptive-analytical approach by comparing the concept of official responsibility in Islamic law and the provisions of positive Indonesian law, particularly Law No. 31 of 1999 and Law No. 20 of 2001 on the Eradication of Corruption. The results of the study show that abuse of office not only violates positive legal norms but also contradicts Islamic moral and spiritual principles that emphasise integrity, trustworthiness, and social justice. Fiqh siyasah offers a paradigm of governance oriented towards the welfare of the people with moral and institutional oversight through the concepts of hisbah and shura. Therefore, strengthening internal and external control mechanisms and internalising the values of fiqh siyasah into the national legal system are very important as efforts to prevent systemic corruption. Thus, the integration of Islamic constitutional law values and Indonesian positive law is expected to build clean, fair, and God-based governance.

Keyword: Corruption; Abuse Of Power; Islamic Constitutional Law; Fiqh Siyasah; Trust; Accountability; Social Justice

Introduction

Corruption is one of the most destructive forms of abuse of power in the life of a nation and state. This criminal act not only causes material losses to the state, but also undermines the moral, ethical and ethical values that form the basis of governance (Agus Wibowo, 2020). In the Indonesian context, corruption has become a complex social and legal phenomenon that is deeply rooted in the bureaucratic and political systems. Data released annually by the Corruption Eradication Commission (KPK) shows that most perpetrators of corruption come from among public officials who hold strategic power, such as regional heads, legislators, and ministry officials. This shows that abuse of power is the main gateway to corruption (Putra & Linda, 2022).

From a positive legal perspective, corruption is regulated in Law No. 31 of 1999 and Law No. 20 of 2001 on the Eradication of Corruption Crimes. However, even though it is strictly regulated and accompanied by severe penalties, the practice of corruption remains difficult to eradicate. One of the reasons for this is the weak morals and ethics of public officials in understanding their position as a responsibility, rather than a means of enriching themselves (Munawir Sajali, 2023). Therefore, a moral and religious approach, including from an Islamic legal perspective, is very important to strengthen the ethical dimension in the exercise of power.

In Islamic law, office (al-wilayah) is viewed as a trust (al-amanah) that must be carried out with full responsibility. Any form of abuse of office, such as embezzlement, gratification, or corruption, is categorised as a form of betrayal of the trust given by Allah SWT and the people. The Qur'an clearly reminds us in Surah An-Nisa verse 58, 'Verily, Allah commands you to convey the trust to those who are entitled to receive it, and when you judge between people, judge with justice.' (Fateh, 2025) This verse emphasises the principles of justice and trust as the main foundations in the exercise of power and governance.

Fiqh siyasah, as a branch of Islamic law that discusses governance and power, views abuse of office as a violation of the basic principles of Islamic constitutional law (siyasah dusturiyah). From this perspective, corruption is not only seen as a moral and social crime, but also as a violation of Allah's law that can undermine the legitimacy of a leader's power (Fatmawati, 2020).

Corrupt leaders or officials have betrayed the principles of maslahah (public interest), justice ('adl), and amanah, which are at the core of the Islamic system of government. The phenomenon of corruption involving abuse of office shows that positive law is not yet fully capable of preventing power abuses. (6) Therefore, it is important to review the concept of office from the perspective of Islamic law, which emphasises the values of trustworthiness, justice, and moral responsibility. In this context, fiqh siyasah not only provides a legal basis but also an ethical and philosophical framework for state administration. Principles such as shura (consultation), maslahah (public interest), and hisbah (moral supervision) are important instruments for maintaining the integrity of the government from corrupt behaviour.

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Furthermore, this study is relevant because Indonesia is a country with a Muslim majority population that uses Islamic values as the moral foundation of its national life. Thus, the *fiqh siyasah* analysis of abuse of office in corruption cases is not merely a theoretical study, but also has practical implications for the formation of fair and ethical governance.

Several previous studies have discussed criminal acts of corruption from an Islamic law perspective, but most are still normative and do not focus on the relationship between abuse of office and the principles of Islamic constitutional law. For example, research by Wijaya (2025) looks at the perspective of social values and structural factors, especially judges, to understand the activities of corruption prevention, and a study by Indrawan (2023) reviews the concept of justice in *fiqh siyasah*. However, this study attempts to fill the gap by examining the relationship between the practice of abuse of office and violations of the principles of Islamic constitutional law more specifically. Thus, this study is expected to contribute to the discourse of modern *fiqh siyasah* that is more applicable and contextual to the state of Indonesia.

Method

This research is a normative qualitative study, using a legal-philosophical approach and a Sharia (*fiqh siyasah*) approach. A qualitative approach was chosen because the focus of this study is not on numerical data, but rather on the interpretation of concepts, norms, and principles of Islamic law relating to abuse of office and criminal acts of corruption. The juridical approach is used to examine national legislation governing criminal acts of corruption and public office, while the Sharia approach is used to explore the concepts of trust, justice, and power from the perspective of Islamic constitutional law.

The philosophical approach was used to examine the basic values and objectives of Islamic law regarding the phenomenon of abuse of office, especially in relation to moral principles, ethics, and leadership responsibility. In this way, the study not only highlighted normative aspects but also attempted to reveal the dimensions of value and meaning behind the exercise of power that has the potential to be abused.

The data sources in this study consist of two main categories, namely: Primary Data Sources, which are Islamic law and positive law materials that form the basis of analysis, including: the Qur'an and Hadith of the Prophet SAW relating to trust, justice, and the prohibition of betrayal of office. Classical and contemporary *fiqh siyasah* books such as *Al-Ahkam al-Sulthaniyyah* by Al-Mawardi, *As-Siyasah asy-Syar'iyyah* by Ibn Taimiyyah, and *Fiqh as-Siyasah fi al-Islam* by Abdul Wahhab Khallaf. Legislation such as Law No. 31 of 1999, Law No. 20 of 2001 concerning the Eradication of Corruption, and its implementing regulations.

Secondary data sources, namely research results, books, scientific journals, articles, and reports from institutions such as the Corruption Eradication Commission (KPK), Transparency International, and legal and religious research institutions from the last five years (2020–2025) that discuss corruption and professional ethics.

Data collection techniques were carried out through library research. The researchers collected data from various written sources, including classical *fiqh siyasah* books, academic journals, and laws and regulations. The data obtained was then classified based on theme, namely: (1) abuse of office, (2) corruption in positive law, and (3) principles of Islamic constitutional law.

The data collection process was carried out systematically by selecting relevant legal materials, analysing the normative meaning of religious texts, and comparing them with modern legal theory. In addition, this study also used analysis of official documents from the Corruption Eradication Commission (KPK) and court decisions on corruption crimes to strengthen its empirical context.

Data Analysis Techniques: data analysis was carried out using descriptive-analytical and comparative methods. Descriptive-analytical methods were used to describe the conditions of abuse of office in

corruption crimes in Indonesia and the Islamic legal principles that govern them. Comparative-normative analysis is used to compare the principles of Islamic constitutional law with Indonesian positive law norms, thereby identifying commonalities and fundamental differences in the handling of corruption issues.

The analysis is conducted in three stages:

1. Data Reduction, which involves selecting and filtering relevant data to answer the research questions.
2. Data Presentation, which involves compiling data into a systematic description that is easy to understand.
3. Drawing Conclusions, which involves connecting the results of the analysis with *fiqh siyasah* theory and Islamic constitutional law principles to produce a scientific interpretation of the phenomenon of abuse of office and corruption.
4. Data Validity, to maintain the validity and authenticity of the research results, triangulation of sources and in-depth textual studies are carried out. Triangulation is carried out by comparing data from various sources: classical *fiqh* texts, contemporary academic journals, and positive legal documents. Textual studies are carried out by examining the meanings of terms such as *amanah*, *khianat*, and *zulm* in the context of power, in order to obtain a contextual understanding in accordance with the modern system of government.

The research was conducted through literature review and conceptual analysis from January to October 2025, by searching digital and printed literature in several scientific repositories such as Garuda Ristekdikti, Google Scholar, and the official website of the Corruption Eradication Commission (KPK). This period was chosen based on the relevance of the latest data on corruption trends and the abuse of power in Indonesia, as well as efforts to prevent them through Islamic moral and legal approaches.

With this methodology, the study is expected to provide a comprehensive picture of the relationship between abuse of office, corruption, and the principles of Islamic constitutional law, while offering solutions based on *fiqh siyasah* values in enforcing the ethics and morality of public officials in Indonesia.

Results and Discussion

Abuse of Office as the Root of Corruption. In the context of modern government, public office is a form of social and moral responsibility given to a person to manage public affairs for the common good. However, when that office is abused for personal gain, it constitutes a violation of the basic principle of trust. Based on 2024 data from the Corruption Eradication Commission (KPK), there were 686 corruption cases handled, with most of the perpetrators coming from among public officials and local government officials. This shows a strong correlation between power and opportunities for abuse of authority.

Abuse of office can take many forms, such as budget embezzlement, bribery, gratuities, project mark-ups, and abuse of authority in decision-making. All of these actions stem from weak integrity and a lack of awareness that office is a trust, not a tool for personal gain. In Islam, this falls under the category of *ghulul* (embezzlement), which is strictly prohibited as stated in Surah Ali Imran verse 161:

'It is not possible for a prophet to betray the spoils of war; whoever betrays the trust, on the Day of Judgement he will come bearing what he has betrayed.'

This verse shows that any form of betrayal of trust, including in office, is a grave sin and a violation of Allah's law. Therefore, abuse of office leading to corruption is not only a matter of positive law, but also a moral and spiritual violation.

The Principles of Islamic Constitutional Law in the Context of Power, in *fiqh siyasah dusturiyah*, power is seen as the embodiment of Allah's trust to uphold justice and benefit. The basic principles in Islamic constitutional law include: *Al-Amanah* (Trust): Power is given to a person because of their trustworthiness to uphold truth and justice; *Al-'Adl* (Justice): The government is obliged to enforce the law fairly and impartially; *Asy-Syura*

(Consultation): Every public policy must be based on fair consideration and consultation; *Maslahah 'Ammah* (Public Interest): Every government policy must benefit the people and the state. These principles indicate that power in Islam is not an end in itself, but rather a means to create social justice and public welfare. Abuse of office leading to corruption clearly contradicts these principles, as corruption shifts the orientation of power from *maslahah* to *mafsadah* (harm).

Fiqh siyasah emphasises that the legitimacy of a leader does not only come from formal appointment, but also from morality and integrity in carrying out their mandate. A leader or public official who commits corruption has lost their moral legitimacy and is considered unfit to hold power. This is in line with Ibn Taymiyyah's view in *As-Siyasah asy-Syar'iyah*, which states:

'Power that is not based on justice will bring destruction, even if it is exercised by believers; conversely, just power will prevail even if it is exercised by disbelievers.'

Fiqh Siyasah Analysis of Corruption as a Violation of Trust, from a *fiqh siyasah* perspective, the criminal act of corruption can be categorised as *khiyanah* (betrayal of trust). In the context of public office, *khiyanah* not only harms individuals, but also society and the state. Corruption undermines public trust in state institutions, reduces the legitimacy of the government, and hinders the achievement of social welfare. Therefore, *fiqh siyasah* places oversight of public officials as an important part of the Islamic system of government.

The concept of *hisbah* in *fiqh siyasah* functions as a mechanism for social and moral oversight of state administrators. In Islamic history, the *hisbah* institution acted as an audit and internal oversight body that ensured government policies were in accordance with Sharia law and the interests of the people. In the modern context, the function of *hisbah* can be adopted by institutions such as the Corruption Eradication Commission (KPK) or the Ombudsman, which have the authority to uphold the integrity of public office.

Thus, abuse of office that leads to corruption is a violation of two dimensions of law: Sharia law (*fiqh siyasah*): because it betrays Allah's mandate and the principle of justice; Positive law (Anti-Corruption Law): because it harms state finances and violates the oath of office. *Fiqh siyasah* provides a moral and spiritual basis for the enforcement of positive law so that it is not only repressive but also preventive through education on ethical conduct in office and the instilling of religious values in the bureaucracy.

The Relevance of *Fiqh Siyasah* Principles to the Indonesian Legal System, Indonesia as a constitutional state (*rechtsstaat*) based on Pancasila has principles of justice and public morality that are in line with the values of *fiqh siyasah*. The principles of trust, justice, and deliberation are reflected in the principles of Pancasila, particularly the second and fifth principles. Therefore, the integration of Islamic values into constitutional law can strengthen the national legal system in preventing abuse of power.

The implementation of *fiqh siyasah* values in the Indonesian government system can be carried out through: Strengthening the Ethics and Integrity of Public Officials: Internalising the values of trust and moral responsibility in the oath of office; Transparency and Accountability: Making the principle of *hisbah* the basis for public audit mechanisms; Enforcing Fair Law: Avoiding legal discrimination and ensuring that the punishment of corruptors is educational and has a deterrent effect; Islamic Political Education: Teaching the understanding that power is a means of worship and service, not a tool for personal enrichment; *Fiqh siyasah* does not reject the concept of a modern state, but demands that moral and spiritual values be the guidelines in the exercise of power. In other words, good governance in the Islamic perspective includes the aspects of *shiddiq* (honesty), *amanah* (trust), *tabligh* (transparency), and *fathanah* (intelligence).

Critical Analysis: Abuse of Office and Legitimacy of Power, abuse of office in the context of *fiqh siyasah* can reduce the legitimacy of a person's power, both morally and legally. In the classical Islamic system of

government, leaders who are unjust or engage in corruption can be removed through the mechanism of *ahl al-halli wal 'aqd* (the representative council of the people). This demonstrates the principle of checks and balances in the Islamic political system, which rejects the absolutism of power.

In the Indonesian context, the legislative, judicial, and executive branches should act like *ahl al-halli wal 'aqd* in overseeing the exercise of power to prevent abuse of office. This principle is in line with the spirit of the Indonesian constitution, which emphasises that power must be limited and monitored to prevent abuse.

Fiqh siyasah teaches that the legitimacy of power does not only come from formal legality, but also from morality and justice in carrying out one's mandate. Therefore, public officials who commit corruption have essentially lost their moral legitimacy before Allah and the people. Power used for personal gain is a form of tyranny, and tyranny is the main cause of the collapse of civilisation according to Islam.

Implications and Recommendations Based on the above analysis, it can be concluded that abuse of office leading to corruption is a serious violation of the principles of Islamic constitutional law. To prevent this, the following concrete steps are necessary: Integration of Islamic Ethics in State Apparatus Education: Training in ethics based on *fiqh siyasah* values must be part of the curriculum for civil servants and public officials. Revitalisation of the Role of Supervisory Institutions: Optimising internal and external supervisory institutions so that they function like *hisbah*. Increasing Government Transparency: Encouraging public information disclosure to prevent abuse of authority; Application of Moral and Social Punishment: In addition to legal sanctions, corrupt officials need to receive social and moral sanctions to create a deterrent effect; Community Empowerment: Muslims must be involved in overseeing the government as a form of participation in *amar ma'ruf nahi munkar* (enjoining what is good and forbidding what is evil).

Thus, *fiqh siyasah* provides an integral paradigm for understanding the relationship between office, power, and public morality. Corruption is not only a crime against the state, but also a betrayal of Allah's trust, for which one will be held accountable in the hereafter. Therefore, the enforcement of constitutional law must be balanced with the strengthening of spiritual values and moral awareness for every state administrator.

Conclusions and Recommendations

Based on the results of analysis and discussion, it can be concluded that abuse of office leading to criminal acts of corruption is a multidimensional violation — both from the perspective of positive law and Islamic law. In Indonesian positive law, such acts are regulated and subject to strict sanctions through Law No. 31 of 1999 and Law No. 20 of 2001. However, from the perspective of Islamic constitutional law (*fiqh siyasah dusturiyah*), corruption is not merely an administrative violation, but also a betrayal of the trust of Allah SWT and the people.

Fiqh siyasah places power as a trust that must be exercised with the principles of justice, deliberation, and benefit. Using one's position to enrich oneself or a particular group is a form of betrayal of the values of trust and justice. Abuse of position results in the loss of a leader's moral legitimacy before Allah and society, and can lead to the collapse of the social justice system.

This study shows that the application of the principles of *fiqh siyasah* in modern government systems can strengthen bureaucratic ethics and the integrity of public officials. By integrating the values of *amanah*, *hisbah*, and *maslahah*, the Indonesian legal system can be more effective in preventing and eradicating corruption. Therefore, eradicating corruption cannot be done solely through a positive legal approach, but must be accompanied by moral and spiritual guidance in accordance with Islamic teachings.

The recommendations from this study are: Strengthening Islamic moral and ethical education for state officials; Establishing a value-based *hisbah* supervisory institution to promote public accountability; Enforcing fair and

transparent law without regard to position; Integrating the values of fiqh siyasah in the formulation of public policy and national legal education.

With these steps, it is hoped that the principles of Islamic constitutional law can inspire the realisation of a clean, honest and just government in Indonesia.

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