



## Philosophical, Social and Islamic Studies on the Criminal Acts of Theft and Corruption

<sup>1</sup>Zulpahmi Lubis, <sup>2</sup>Abdul Rahman

<sup>1</sup>Universitas Islam Negeri Sumatera Utara, <sup>2</sup>Kepolisian Resor Langkat

E-mail: <sup>1</sup>[zulpahmilubis@uinsu.ac.id](mailto:zulpahmilubis@uinsu.ac.id), <sup>2</sup>[abdulrahman11@gmail.com](mailto:abdulrahman11@gmail.com)

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### Abstract

Theft and corruption are social problems that have existed since ancient times and continue to be serious challenges in various countries, including countries with Muslim majorities. From an Islamic perspective, these two acts are not only considered as violations of positive law, but also as major sins that damage the social and moral order of society. Islam provides clear guidance in overcoming theft and corruption, both from a legal and ethical perspective. Therefore, this study aims to examine how Islamic law regulates sanctions against theft and corruption and to find the right approach in eradicating them. This study uses a normative juridical method with a literature study approach that focuses on the analysis of sources of Islamic law, including the Qur'an, Hadith, fiqh books, and regulations in force in Muslim countries. The results of the study show that Islamic law has a firm mechanism in dealing with theft and corruption, with the main principle of upholding justice and the welfare of the people. In conclusion, Islamic law not only provides sanctions as a form of punishment, but also emphasizes preventive aspects through moral education and the formation of individuals with integrity. With a comprehensive understanding, Islam can be a solution to combating theft and corruption effectively and fairly.

## I. INTRODUCTION

Theft and corruption are social problems that have existed since ancient times and continue to be significant issues in many countries, including countries with Muslim majorities.(Luthfi, 2018). Both of these acts are not only detrimental to individuals or certain groups, but also damage the social, economic, and political order of a society. In Islam, theft and corruption are not only seen as violations of positive law regulated in state legislation, but also as major sins that have moral and spiritual consequences. Islam as a religion that regulates all aspects of human life has provided clear guidance on how these actions should be understood and followed up on.(Treasure, 2022).

Theft (sariqah) in Islam has strict legal consequences as regulated in the Qur'an and Hadith. In Surah Al-Maidah verse 38, Allah SWT says that the punishment for thieves is to have their hands cut off as a form of sanction for their actions. However, the application of this punishment in Islamic law has strict requirements and is not simply carried out without consideration of justice. Islamic law does not only aim to punish, but also to provide a deterrent effect, improve individual morals, and maintain

social stability. Therefore, in the history of the application of Islamic law, this punishment was not applied carelessly, but rather took into account the factors behind the act of theft, such as economic conditions, social conditions, and the motives of the perpetrator. This shows that Islam does not only provide punishment, but also seeks to ensure that justice is maintained in society.

On the other hand, corruption (ghulul or betrayal) is a more complex crime than theft. Corruption involves the abuse of power and trust given to certain individuals, usually officials or trustees in an institution.(MALINI, 2024). The impact of corruption is very broad because it not only causes financial losses to the state, but also damages the government system, erodes public trust in public institutions, and deepens social inequality. In Islam, acts of corruption are considered a betrayal of the mandate given by Allah SWT. The Hadith of the Prophet Muhammad SAW firmly states that whoever is given the mandate to take care of a matter then hides something from us, then it is included in ghulul (corruption) which will be brought on the Day of Judgment (HR. Muslim). This hadith emphasizes that corruption is not only a violation of worldly

law, but will also be held accountable in the afterlife.

Corruption is also included in the category of extra-ordinary crimes or extraordinary crimes because of its enormous impact on people's lives.(Marbun et al., 2020). When an official commits corruption, not only is state money lost, but also the opportunity for the people to have a better life. The budget that should be used for education, health, and economic development instead goes into the pockets of individuals or certain groups. As a result, poverty increases, social inequality becomes sharper, and trust in government is increasingly eroded. Therefore, eradicating corruption is one of the main issues in many countries, including Muslim countries that are trying to balance the implementation of positive law with the principles of Islamic law.

This study aims to examine how Islam views and provides solutions to theft and corruption, both from a normative (legal) perspective and from a philosophical and social perspective. By understanding the Islamic perspective holistically, it is hoped that preventive and curative measures can be found that are in accordance with the principles of justice and the welfare of the people. Islam does not only offer sanctions as a form of punishment, but also provides a prevention mechanism that emphasizes moral education, ethics, and the formation of individuals with integrity.

Starting from the above problems, the author tries to find the affirmation of the Qur'an regarding corruption. This effort is made to find the epistemology of eradicating corruption cases, considering that the Qur'an is a holy book that provides guidance for all aspects of human life. Although the Qur'an is global and universal in its delivery, the problem of corruption needs to be studied in more depth so that the right approach can be found in overcoming it. This study is expected to contribute to the understanding of how Islam can be a solution in overcoming crimes that damage the social order and the welfare of the people.

## II. RESEARCH METHODS

This study uses a normative legal research method that focuses on the analysis of Islamic law related to theft and corruption based on applicable legal sources.(Jonaedi Efendi et al., 2018). The normative legal approach is carried out by studying the legal norms in the Qur'an, Hadith, and the opinions of scholars related to Islamic criminal law. This study also includes an

analysis of classical and contemporary fiqh books in order to understand how the concept of Islamic law is applied in overcoming theft and corruption.

Data collection was conducted through literature study by reviewing relevant literature, both from primary sources such as the Qur'an and Hadith, as well as secondary sources in the form of fiqh books, academic journals, and regulations related to Islamic criminal law and positive law in Muslim countries. The analysis technique used in this study is descriptive-qualitative analysis, by interpreting various provisions of Islamic law regarding theft and corruption and linking them to the context of modern law.

The results of this study are expected to provide a deeper understanding of how Islam regulates and provides solutions to theft and corruption, both from normative and implementative aspects in the applicable legal system.

## III. RESULTS AND DISCUSSION

### A. Definition of Theft

In Islamic criminal law, theft is known as sariqah, which linguistically means taking something secretly. According to sharia, sariqah is taking someone else's property secretly from its storage place which qualifies for the punishment of having one's hand cut off.(Mulyadi, 2020).

This definition is based on the Koran, Surah Al-Maidah verse 38.

According to Abdul Qadir Audah, theft in Islamic law (sariqah) is taking other people's property secretly from a safe storage place (hirz), provided that the property reaches the nisab that has been determined according to sharia.(Elfia, 2019). Abdul Qadir Audah emphasized that acts of theft must meet certain elements in order to be sentenced to amputation (hudud). These elements include:(Elfia, 2019)

1. Property taken: Property that has value (mal mutaqawwim) and is legally owned by another person.
2. Storage place (hirz): The assets are in a place that is guarded or protected.
3. How to take it: Done secretly without the owner's knowledge.
4. Value of goods (nisab): Stolen assets must reach a predetermined minimum limit (1/4 dinar or equivalent to ±1.062 grams of gold).

The limitation of the value of stolen goods to a minimum of 1/4 dinar is based on the hadith:

Merciful قَالَ رَسُولُ اللَّهِ ﷺ: لَا تُقَطَّعُ يَدُ السَّارِقِ إِلَّا فِي رُبْعٍ  
دينارٍ فصاعداً رواه البخاري ومسلم

*The Messenger of Allah (PBUH) said: The hand of a thief is not cut off except (for stealing) goods that reach ¼ of a dinar or more. (Narrated by Bukhari and Muslim).*

Abdul Qadir Audah also explained that theft which does not meet these requirements can be subject to a takzir penalty, which is more flexible and left to the judge's decision.

## B. Definition of Corruption

Talking about corruption, of course it will not be separated from the definition and history of corruption itself. The word 'corruption' is rooted in the Latin word corruption or from the original word corrumpere. Etymologically, in Latin the word corruption means rotten, damaged, shaking, turning around, and bribing. While in English, the word corrupt means people who have corruption who want to commit fraud illegally to obtain personal benefits (Scientific, 2011).

In terms of terminology, experts have definitions of corruption, including Robert Klitgaard, who defines "corruption is the abuse of public power for private benefit", corruption is the abuse of public power for private benefit (Siregar, 2017). Corruption also means taking money for services that should be provided, or using authority to achieve illegitimate goals.

Meanwhile, corruption in the view of Syed Husein Alatas is oriented towards actions that result in betrayal of the trust given, intentionally misappropriating state property, exploiting public interests for personal gain, carried out in secret, there is a benefit outside of obligations, there is an element of influencing for the benefit of certain individuals or groups, using position for the benefit of individuals or groups (Fad, 2020).

Sayyid Husain al-Alatas concluded that corruption cannot be separated from several specific characteristics, namely: (a) a betrayal of trust, (b) deception of government agencies, private institutions or the general public, (c) intentionally neglecting public interests for special interests, (d) carried out in secret, (e) involving more than one person or party, (f) the existence of mutual obligations and benefits, (g) the concentration of corrupt activities on those who want definite decisions and those who can influence them, (g) the existence of efforts to cover up corrupt acts in the form of legal approval, (i) showing a dual function in each individual who commits corruption (Fad, 2020).

## C. Differences and Similarities Between Theft and Corruption

The table description below clearly shows that theft is an individual crime, usually occurring in ordinary social relationships, without involving power or position. While corruption is a systemic crime, often occurring in power structures, and has a greater impact on the state or society as a whole.

Aspek	Pencurian	Korupsi	Persamaan
Definisi	Mengambil barang milik orang lain secara melawan hukum.	Penyalahgunaan kekuasaan untuk keuntungan pribadi.	Sama-sama merupakan tindakan melawan hukum terkait harta benda.
Subjek Pelaku	Siapa saja (individu biasa).	Pejabat publik atau orang yang memiliki kewenangan.	Kedua pelaku bertujuan mengambil atau menguasai sesuatu yang bukan haknya.
Objek Kejahatan	Harta benda milik orang lain yang diambil secara langsung.	Uang atau sumber daya negara yang disalahgunakan.	Keduanya terkait dengan pengambilan harta benda yang tidak sah.
Cara Melakukan	Mengambil secara langsung dan sembunyi-sembunyi.	Melakukan manipulasi melalui jabatan atau wewenang.	Kedua tindakan sering dilakukan tanpa sepengetahuan korban.
Hukum yang Melarang	Diatur dalam Pasal 362 KUHP.	Diatur dalam UU No. 31 Tahun 1999 jo. UU No. 20 Tahun 2001	Keduanya diatur dalam hukum pidana yang melarang pengambilan harta milik orang lain.
Hukuman	Penjara atau denda (KUHP Pasal 362).	Penjara, denda, dan pengembalian kerugian negara.	Sama-sama dikenakan hukuman pidana untuk memberikan efek jera.
Tujuan	Untuk dimiliki secara pribadi.	Untuk keuntungan pribadi atau kelompok tertentu.	Sama-sama bertujuan untuk mendapatkan keuntungan pribadi yang tidak sah.
Hubungan dengan Jabatan	Tidak memerlukan jabatan tertentu.	Berhubungan erat dengan penyalahgunaan jabatan.	Sama-sama merupakan penyalahgunaan amanah terhadap pihak lain.
Cakupan Dampak	Berdampak langsung pada korban individu.	Berdampak besar pada negara atau masyarakat luas.	Sama-sama merugikan pihak lain, meskipun skalanya berbeda.

## D. Corruption in the Qur'an

Basically, the term corruption in the Koran is a form of criminal act that exists in Islam, but explicit mention is not found in the Koran, for example, the term robbery (al-harb), theft (al-sarq), the term betrayal (al-ghulul), and so on (Scientific, 2011). However, seeing the development of increasingly varied definitions of corruption, these terms have also experienced a significant shift in meaning, namely when these terms enter the realm of corruption studies.

According to M. Nurul Irfan, there are at least six themes that have the same qualifications for the word corruption. Irfan is of the opinion that the meaning of these six themes can be identified as the meaning of the theme of corruption.

No	Kualifikasi Istilah Korupsi	Surat dan Ayat
1	<i>Ghulul</i> (penyimpangan)	Ali Imran ayat 161
2	<i>Ghasab</i> (Mengambil Harta/hak Orang lain)	Al-Baqarah ayat 188 An-Nisa' ayat 29
3	<i>Hirabah</i> (Perampokan)	Al-maidah ayat 33
4	<i>Sariqah</i> (Pencurian)	Al-Maidah ayat 38
5	<i>Riswah</i> (Penyuapan)	Al-Maidah ayat 42
6	<i>Khiyanat</i>	Al-Anfal ayat 27

The corruption terms as in the table above will be explained below:

1. Term Ghulûl (Betrayal)

Surah Ali Imran: 161.

وَمَا كَانَ لِلنَّبِيِّ أَنْ يَغْلُلَ وَمَنْ يَغْلُلْ يَأْتِ بِمَا غَلَّ يَوْمَ الْقِيَمَةِ ثُمَّ تَوَفَّى  
كُلُّ نَفْسٍ مَا كَسَبَتْ وَهُمْ لَا يُظْلَمُونَ ١٦١

*it is impossible for a Prophet to betray the spoils of war. Whoever betrays the spoils of war, then on the Day of Resurrection he will come with what he betrayed, then each person will be repaid for what he did with (retribution) in proportion, while they are not wronged.*

Muhammad bin Salim bin Sa'id Babasil al-Syafi'i stated that among the forms of sinful hands is al-ghulul or betraying with war booty, and this is included in the major sins. In the book al-Zawajir it is explained that ghulul is an act of specializing or separating which is done by a soldier, whether he is a leader, towards war booty before it is divided, without first handing it over to the leader to be divided into five parts, even though the embezzled property is only a little.(Siregar, 2017).

Al-Maraghi in his commentary, Tafsir al-Maraghi, explains that the word ghulûl in the verse means 'al-akhdz al-khafiyyah', namely taking something secretly, for example stealing something. Then this meaning is often used in terms of stealing war booty before distributing it(Siregar, 2017).

Fahrudin ar-Razi said the word yaghulla in the verse is read yaghulla, read fathah ya' and dhumma ghain. And, read yugholla. From the verse above with the two qiro'ah there are several differences because of the revelation of the verse. As follows:(Siregar, 2017)

It is read "yaghulla" when the verse prevents or denies that the Prophet was hiding ghanimah, and cleanses the Prophet from traitors that are not in accordance with one of the Prophet's characteristics, namely Trustworthiness.

It is read "yugholla" when there is an indication that the Prophet has been betrayed by a group of you or friends.

Husnain Muhammad Al-Makhluf explained that:

يَغْلُلُ: يَخُونُ فِي الْغَنِيمَةِ

*Ibn Arabi explains that the meaning of ghulul which comes from ghalla can be interpreted in three forms.:*

taghullu means absolute betrayal by giving it yaghillu which means fil haqdi

meaning liannahu treason al-ghanimah.

According to Ibn al-'Arabi about ghulul is the third opinion, namely betrayal in terms of war booty. Ibn Arabi further explained that la iglal

wala islal. It can be interpreted in two interpretations. First, ighlal means betrayal of al-ghanimah. And the second, ighlal and islal mean al-sirqa(Siregar, 2017).

If etymologically the word ghulul comes from the verb Ghalala - Yaghlilu, then the Masdar or verbal (noun) has several forms, namely al-ghillu, al-ghullah, al-ghalulu, or al-ghalil and from all of them Ibn al-Manzhur interprets it as very thirsty and hot.(Siregar, 2017).

Al-Mu'jam al-Wasit is more specific in stating the word ghulul which comes from the verb "Ghalla - Yaghullu" which means betraying in the division of war booty or in other assets. This is in line with the interpretation of Ibn al-'Arabi who said that if "Ghalla - Yaghullu" is read with the letter ghain in the mudlori' verb, it means betrayal in general, on the other hand Ibn al-'Arabi also said that if the letter ghain is read with the letter kasrah, it means envy or malice. After being read carefully, at least the author of al-Mu'jam al-Wasit has a different opinion from Ibn al-Manzhur in giving the meaning of ghulul(Siregar, 2017).

In terminology, Rawas Qala'arij and Hamid Sadiq Qunaibi put forward the definition of ghulul as meaning taking something and hiding one's wealth.(Qal'aji & Qunaibi, 1996). Abu Bakar Jabir al-Jara'i in his book interprets the meaning of "an yaghulla" as taking something from the spoils of war secretly. So, the conclusion is that the meaning of ghalla or ghulul is the same as stealing from the spoils before distribution.

According to al-Jazairy, ghulul is also a major sin.(Siregar, 2017). Meanwhile, Ibn al-'Arabi categorizes betrayal in ghanimah (ghulul) as not including sariqah, because before the ghanimah is distributed to those entitled to it, they still have rights to the ghanimah. then he just needs to be ta'zir.

The Prophet himself expanded the meaning of ghulûl into two forms:(Ismail, 2012)

Commission, which is the act of taking income outside the salary that has been given. This is based on the hadith:

مَنْ اسْتَعْمَلْنَاهُ عَلَى عَمَلٍ فَرَزْنَاهُ: عَنْ بُرَيْدَةَ قَالَ قَالَ رَسُولُ اللَّهِ ﷺ  
رَوَاهُ أَبُو دَاوُدَ. رَزَقًا، فَمَا أَخَذَ بَعْدَ ذَلِكَ فَهُوَ غُلُولٌ

*From Buraidah, the Messenger of Allahﷺ said: "Whoever I appoint to a position and then I give him a salary, then anything he receives outside of his salary is ghulul (corruption). (Narrated by Abu Daud)*

Gift, which is a gift that someone gets because of the position attached to him. This is referred to based on the hadith:

هَذَا بِالْعَمَالِ عَنْ أَبِي حُمَيْدٍ السَّاعِدِيِّ قَالَ: قَالَ النَّبِيُّ ﷺ  
رَوَاهُ أَحْمَدُ. غُلُولٌ

From Abu Humayd as-Sa'idi, the Prophet ﷺ said:  
"The reward received by officials is ghulul  
(corruption)." (HR. Ahmad)

Furthermore, in the letter of Ali Imran verse 161, it is more specifically mentioned about ghulul which means betrayal. It means betraying the trust of Allah SWT. and humans, especially in the management and use of ghanimah property. More clearly, Ibn Kathir mentioned from Aufy from Ibn Abbas that ghulul is dividing some of the spoils of war to some people while the rest is not given.

There are several opinions of 'ulama regarding the asbabun nuzul verse, in general Ibn al-'Arabi in his book Ahkamul Qur'an states that there are two things regarding the asbabun nuzul verse, namely:

*It is narrated that the hypocrites actually suspected that the Prophet brought some stolen property in the form of a qotifah (red woolen shawl) that was lost. Therefore, this verse was revealed. This is in accordance with the opinion of Imam Fahrudin Ar-Razi in his book Mafatihul Ghaib.*

Some of these people took or hid Ghanimah's wealth, or they mistook it for the Prophet. So this verse was revealed as a rebuttal to their objections.

This verse is a warning to avoid betraying your trust in all forms. Ibn Arabi stated that linguistically there are three meanings of ghulul, namely betrayal, bad heart, and betrayal of the ghanimah's mandate. This verse is specifically addressed to the Prophet SAW. regarding justice in the distribution of ghanimah assets originating from the spoils of war, but the meaning of this verse is addressed generally to all Muslims. When Muadz was sent to Yemen, Rasulullah Saw. also gave advice not to act ghulul, as mentioned in the Hadith narrated by Tirmidhi. This verse specifically only discusses the misuse of joint property for personal control, but it will explain how a person must not act treacherously or misappropriate these assets. In accordance with one of the meanings of corruption, this work includes embezzlement of other people's or society's property.

According to the author, the analogy between corruption and ghulul is quite close for the following reasons:

First, corruption is the misuse of state, company, or community assets. Ghulul is also the misuse of state assets, because the income of state assets during the time of the Prophet SAW was

ghanimah. Currently, the problem of developing state money is not only ghanimah, but all forms of state money.

Secondly, corruption is carried out by related officials, and ghulul is a betrayal of office by related officials.

2. Ghasab (Taking other people's property/rights with Bathil

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخِلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا  
فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

The verse, if read in the context of corruption, contains a very firm meaning prohibiting consuming other people's property in a way that is not permitted by religion (al-bâthil). The meaning intended in the verse is bribing judges, qadis, and so on who have the power to free the briber from a demand.

Qurtubi includes in the category of prohibitions in this verse: usury, fraud, ghasab, violation of rights, and what causes the owner of property to be unhappy, and all what is prohibited by the Shari'a in any form.

Al-Jassas said that taking other people's property through false means can be in two forms:

1. Taking by means of injustice, theft, treachery, and ghasab (using other people's rights without permission).
2. Taking or obtaining assets from prohibited activities, such as interest/usury, proceeds from the sale of wine, pork, etc.

Asbabun nuzul this verse was revealed to Abdan bin Asywa' al-Hadhramy accusing him of having the right to the property in the hands of al-Qais al-Kindy, so the two of them quarreled in front of the Prophet SAW. Al-Qais denied it and he wanted to swear to deny this, but this verse came down and in the end Qais did not swear and handed over Abdan's property willingly.

The main issue in the verse above is the prohibition of taking other people's property in general by false means, especially by bringing it before a judge, while it is clear that the property taken belongs to someone else. Corruption is a form of taking other people's property that is specific in nature. The general argument above is suitable for including corruption as a special form of taking other people's property. The verse above explicitly explains the prohibition of taking other people's property that is not their right.

Ibn Kathir in his interpretation through the news from Ibn Abbas, he said: "This verse concerns a man who is incurring a debt, while the

person who gave the debt does not have strong evidence (when he wants to collect the debt). So the man who has the debt denies his debt and complains about his case to the judge, even though he knows that he is dealing with the right case, and that he is on the wrong side." (Kadir & Vahlepi, 2021). This historical setting is what the Quran then responded to by revealing the verse which explicitly forbids someone from consuming other people's property and fighting for something that is false. Therefore, Islam strictly forbids bringing property matters to a judge if the underlying cause is falsehood.

Wahbah al-Zuhaili also explains that the prohibition in this verse includes taking property without rights through various intermediaries, such as bribery and looting, fraud, eating orphans' property unjustly, corruption, and other things. (Suma, 2022). Therefore, this verse applies generally to every person and property, it is not permissible for anyone to take another person's property, whether small (little) or large (a lot) and it is not permissible to be false for all transactions related to property or otherwise, so that the verse above can mean a prohibition on taking property from others in a false way (both in terms of how to obtain it and how to use it). In Tafsir al-Jalalayn, it is stated that the prohibition on consuming property in a false way is indicated as a prohibition on taking it in a way that is prohibited according to sharia such as theft and robbery. This prohibition also continues to the prohibition on bribing judges.

### 3. al-Hirabah (Robbery)

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَقُوا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْأُخْرَةِ عَذَابٌ عَظِيمٌ  
*Indeed, the only retribution for those who fight against Allah and His Messenger and cause mischief on the face of the earth is that they be killed or crucified, or have their hands and feet cut off in reciprocity, or be thrown out of the land (where they live). This is (as) a humiliation for them in this world, and in the afterlife they will suffer a great torment.*

The next term that is indicated as a term of corruption in the Qur'an is hirabah, another meaning of the word yuhâribûna, if traced to its original form from tsulâtsi mujarrad, then it means someone who seizes property and leaves it without any provisions. (Siregar, 2017). The same thing also comes from the view of some Islamic jurists regarding the word hirabah. According to

them, people who commit hirabah are qâthi'u al-tharîq or robbers and al-sâriq al-kubrâ or major theft. In other words, the meaning of hirabah here is someone who robs other people's property. This understanding is often used by scholars to interpret the word yuhâribûna in QS. Al-Maidah: 33.

Surah Al-Maidah verse 33 specifically mentions hirabah. This verse means taking other people's property openly which can be accompanied by violence, or by causing destruction on earth. Abd al-Qadir 'Awdah defines hirabah as robbery (qath'u at-thuruq) or major theft (Ishaq, 2015). He further said that theft (sariqah) is not exactly the same as hirabah. Hirabah has a greater impact because it is done excessively.

The same opinion was also expressed by Wahbah al-Zuhayli who said that linguistically the meaning of al-muharabah comes from the word al-harb which means taking someone else's property by force (al-ta'di wa salb al-mal) (PRASSETYO, nd). al-Muharabah has a destructive nature and raises concerns for society. Almost the same character that is produced by acts of corruption, namely bringing misery to others.

### 4. al-Sariqah (Theft)

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

*The man who steals and the woman who steals, have their hands cut off (as) retribution for what they have done and as a punishment from Allah. And Allah is All-Mighty, All-Wise*

The word saraqa itself etymologically means "akhdzu ma li al-ghairi khufyatan" (taking other people's property secretly). While in terminology the word 'stealing' (al-sarq) is first divided into two parts, namely major and minor theft. (Birahmat & Dedi, 2018). Major theft is another meaning of the term hirabah as the author explained in the previous term. While the definition of minor theft, some scholars have varying meanings, namely (a) taking other people's property secretly, namely property that is well maintained according to his habits, (b) taking other people's property secretly by means of persecution, (c) taking other people's property secretly, namely property that is not entrusted to him.

From here it can be concluded that what is meant by al-sarq is taking other people's property that is not theirs in a secret way without the



owner's consent. The word theft comes from the Arabic word al- sariqah.:

السَّارِقَةُ هِيَ اخْذُ مَالٍ لَا حَقَّ لَهُ فِيهِ مِنْ خَفِيَّةٍ

*"Sariqah is taking property that one has no right to from a storage place."*

Ibn Kathir in his commentary explains a history that comes from Abdullah bin Amr (Scientific, 2011), he said that this verse was revealed regarding a woman who stole, so the person who stole it came and said to the Prophet. "O Prophet, this woman has stolen our jewellery." So the woman said "We will redeem the stolen money." The Prophet said, "Cut off his hand!" His people said, "We will redeem him with five hundred dinars." So the Prophet SAW. also said, "Cut off his hand!" So his right hand was cut off. Then the woman asked. "O Messenger, is there a way for me to repent?" The Prophet replied, "You are now clean from your sins as you were born from your mother's womb." Then came QS. Al-Maidah [5]: 38.

Fazzan specifically corruption is identical to theft or sariqah, however the implementation of corruption is accompanied by various kinds of pretexts which require more research and proof. (Siregar, 2017). Corruption has a very large negative impact on society, especially with the cases that are currently happening in Indonesia. Corruption does not only harm one or two people but corruption has become a threat to the stability of security and the economic and social welfare of society. Therefore, according to the author, corruption based on this, in its illat, corruption is more inclined to hirabah. The punishment for perpetrators of sariqah and hirabah is also different. According to the author, the imposition of the death penalty for corruptors can be based on this hirabah verse. Because a corruptor who commits an act accompanied by aggravation and justifies all means can be included in this hirabah crime. Different from the theft article which only involves cutting off hands. Theft is relatively smaller compared to hirabah. Likewise when compared to corruption. Ordinary theft committed by a pure criminal may have a relatively smaller impact when compared to corruption which will endanger many people and even the country.

#### 5. Risywah (Bribery)

سَمِعُونَ الْكُذِبَ أَكَلُونَ لِلسُّخْتِ فَإِنْ جَاءُوكَ فَاصْحُكُمْ بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ ۚ وَإِنْ تُعْرِضْ عَنْهُمْ فَلَنْ يَصُدُّوكَ شَيْئًا ۚ وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُم بِالْقِسْطِ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

*They really like to hear false news, they eat a lot of haram (food). If they (the Jews) come to you*

*(Muhammad to ask for a verdict), then judge between them or turn away from them, and if you turn away from them then they will not harm you in the slightest. But if you decide (their case), then decide fairly. Indeed, Allah loves those who are just.*

M. Quraish Shihab interprets the word suht originally referring to something that has the potential to damage or destroy. In an unlawful context, such an action would certainly harm the perpetrator. (Shihab, 2002). There is also a view that this word was first used to describe the most greedy animal in consuming food. A person who does not pay attention to the origin of the wealth he obtains will be considered similar to the greedy animal, the end result of which will destroy him because of his behavior. (Shihab MQ, Tafsîr Al-Mishbâh; Messages, Impressions and Harmony of the Qur'an, 2021).

The word al-suht means wealth from unlawful income. Therefore, this word matches the meaning of corruption which is a forbidden act, so that the wealth produced is also unlawful wealth. Regarding al-suh}t, Allah mentions it in QS al-Maidah (5): 42.

This verse also matches the reality that occurs in society. The majority of entrepreneurs who run illegal businesses can mean that they have eaten forbidden food because of the wealth obtained from forbidden paths. Likewise, when they want to continue the illegal business, security is needed by giving tribute or something like that. Allah then gives a warning that people who can turn away from the transaction will not experience any harm. And Allah commands to always act justly.

#### 6. Treason

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمْلَأَكُمُ وَأَنْتُمْ تَعْلَمُونَ

*O you who believe! Do not betray Allah and the Messenger and (also) do not betray the trust entrusted to you, while you know.*

M. Quraish Shihab said that prohibited behavior includes reducing the rights of Allah in the slightest, thus denying Him or not being grateful to Him, as well as being disloyal to the Prophet Muhammad SAW. (Shihab, 2002). However, anyone is allowed to carry out the mandate given to him, including family members, whether they are Muslims or non-Muslims. For Shihab, the word "khiyânah" is the opposite of amanah. A person who is entrusted with amanah means a person who is trusted and is assured that what is entrusted will be guarded by him, either actively or at least passively, so that when the time

comes to return the mandate to the one who gave it, the person finds his mandate intact, undamaged, and can even be better and develop because it has been guarded well.(Shihab, 2002).

Everything under human control is considered a mandate from Allah SWT. This includes religion, the earth and all its contents, family, children, and the human soul and body along with the potential they have. All of this must be guarded and developed well. The mandate given by humans to others does not only include property or written agreements, but also includes secrets that are entrusted. A person cannot be called a thief if he takes something from a place where the item should not be placed safely, such as an open stall and an unlocked house. In this case, the person who takes the valuables is not punished by the law of cutting off their hands, because this condition can encourage people with weak faith to steal.(Shihab, 2002).

#### IV. CONCLUSION AND SUGGESTIONS

##### A. Conclusion

This study discusses the problem of theft and corruption from the perspective of the Qur'an and attempts to formulate anti-corruption fiqh that is relevant to the challenges of the times. Based on the analysis of the verses of the Qur'an, hadith, and principles of fiqh, several conclusions can be drawn:

1. Theft (sariqah) in the Qur'an is explained as an act that harms the rights of others and has the potential to cause damage in society. The punishment for a thief who steals under certain conditions is cutting off the hand, but this is not the only solution, but must be accompanied by the right context, namely preventing damage and protecting individual rights.
2. Corruption in the Qur'an is not clearly explained. However, there are several themes that can be associated with corruption, namely ghulul, ghasab, hirabah, Sariqah, khiyanat and risywah. Corruption in Islam is seen as one of the greater forms of theft, because it involves the abuse of power and position for personal gain. The Prophet SAW taught that gifts or commissions received by officials are a form of corruption, which must be avoided in the government system. This illustrates that Islam not only prohibits theft in general, but also the abuse of office for personal gain.

##### B. Suggestion

1. Education and Counseling on Ethics in Government. In order for anti-corruption fiqh to be implemented effectively, it is important to provide in-depth education on ethics and Islamic law related to leadership and management of state assets. This can be done through educational programs in Islamic boarding schools, universities, and government institutions.
2. Strengthening the Legal System and Supervision. Strengthening the legal system that is firm in eradicating corruption must be supported by an effective supervision system. Implementation of the principles of fiqh in the judicial system can be one way to ensure that justice is upheld, both for public officials and the community.

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