

CHAPTER III

THE INTERPRETATION ON CORRUPTION ACCORDING TO INDONESIAN EXEGETES

A. Corruption in Indonesia

Corruption in Indonesia suspected had a strong historical foundation. So in the modern era, the effects of corruption expand, become a complex problem, systemic, and massive. Corruption has become a bad outbreak for Indonesia. Although various policies and regulations have been made, corruption outbreaks still in high-handed, without knowing the place and time. Corruption has mutated into a way of life, it is attached to the Indonesian nation. Whereas, the completeness of the legislation in Indonesia, for entrap the practice of corruption in fact unquestionably.

1. History

Statement of *Bung Hatta*¹ that corruption has been entrenched in Indonesia, it is not a hoax. That statement

¹In 1950s, Bung Hatta, who known as the first anti-corruption actors in Indonesia, wrote that corruption has permeated to all levels of Indonesian society, infecting almost all institutions and government departments. "Bribery and intrigue (corruption) is increasingly becoming a common behavior of people, it is bad for society and the state. Every year the government harmed hundreds millions of dollars, because the duties and taxes unpaid, as a result of counter

represents the anxiety of a Founding Fathers who see the nation and the country is being collapsed due to corruption expand. This shows that Indonesia, has had a reputation as a corrupt nation, long before the agencies survey about anti-corruption, they specify Indonesia as one of the most corrupt countries in Asia and the world. If Soeharto began to set his power at a phase when corruption has become a culture, what is happening during the thirty-five years on his reign is a strengthening process to be a civilization. In this phase, corrupt behavior seemed that it was no longer an ethical moral issues for the elites, but has become a way of life.

The word “*culturing*” provide an understanding that corruption has entered in the public consciousness structure, as a natural process and the undeniable social relations, political and economic. Labeled corruption as a form of culture is a cultural determinism, which may weaken the spirit of addressing the problem of corruption. Because corruption has been become consciousness part of culturally and the culture structure of Indonesian society, anti-corruption attitude understood as fighting their own culture. The search of history against the act of corruption in Indonesia, found indications when corruption has

feiting and smuggling, both legal and illegal. See Mohammad Hatta, *The Co-operative Movement in Indonesia*, Cornell University Press, Ithaca, 1967, p.84-85

been done in the kingdom and feudal-colonial period. Premises other words, corruption in Indonesia is a historical heritage historical legacy. Those who believe that corruption is rampant in Indonesia is a form of historical continuity is a legacy from the previous system of government known in the history of Indonesia, the Javanese kingdom system of feudal rule and a combination of colonial-style administration VOC then maintained during the colonial Dutch East Indies.

a. Patrimonialism of Kingdom

The kingdoms which stands in the archipelago using structures that are patrimonial bureaucracy.² Patrimonial system establishes for generations king as God's representative, who controlled all of the country. King is entitled to distribute the lands to the nobles (the royal family) and empire officials. The land given to nobles and officials called appanage, which serves as a salary for his services to the king and kingdom. For processing the land, the land owners (kings, nobles and empire

²The weakness of patrimonial position is located at an unknown bureaucratic distinction between the private sphere and scope of the official. Implementation of the government is considered as part of a king's private property, so that political power is considered as part of the personal property, which can be exploited in accordance with his wishes. Thus a king has power without limit values, because the traditional rule, the king is considered sacred and have supernatural powers. There is no social contract king on society, on the contrary, society has an obligation to implement the various orders of the king. See Weber, *Economy and Society*, Bedminster Press, New York, 1968, p. 1028-1029. See also Syed Hussein Alatas, *Korupsi, Sifat, Sebab, dan Fungsi.....*, p. 124

officials) will hand over its processing to a village level officials, called jacks or bekel. The main task of jacks there are two, namely distributing land to the farmers, and picked up some of the results of the land to be handed over to the owner of the land in the form of tribute. In this revenue sharing apanage system is a third ground for the owner of the land, one-third of earth moving for farmers, and the remaining third is given to the jacks, in return for his contribution in the agricultural levy.³

Meanwhile, the majority of people do not have the property rights , but merely a right to use. Farmers grow food crops for fulfill subsistence basically. However, in the patrimonial state system, farmers have to their agricultural products to surrender for the ruler, this is commonly known as compulsory delivery tribute. Tributes sustain life in the court, good king, nobles, empire officers, and their helpers. In addition to this tribute, the king also requires various forms of compulsory labor service from the the villagers. Compulsory labor is conducted regularly every year on special occasions, such as the celebration of the great days of empire, the coronation ceremony, and also an important celebration held landowners, such as marriage, death, and birth. In addition, which obligation can not be avoided is

³G. Moedjanto, *The Concept of Power in Javanese Culture*, UGM Press, Yogyakarta, 1993, p. 103-104

conscription in times of war. In this system there is no clear separation, which is called personal income and state, as in the concept of modern bureaucracy. Here, all state funding for the construction of empire and war borne by farmers working on land rights holders apanage. A large or small amount type of fees required to surrender and compulsory labor governed by customary law. In this case, whether or not the implementation of customary law, is highly dependent on the moral and ethical authority.

In Java's patrimonialism, usually the owner of the land (the king, the nobles and empire officials) may commercialization positions at the village administration. Which occur most frequently case is the commercialization office of jacks as tax collectors, or other administrative positions such as village headman, *Ronggo*, or village headman. In this apanage system, the position of jacks as 'little king' because he can function as a tax cutter, and also have the power to appoint the farmers who are given power cultivate the land. Position jacks villagers often contested, as jacks choose a lot of prestige, whether social, economic, and cultural. Residents is wish to make himself to be a jacks need to pay money *bekti* (tribute) to the landowner.⁴

⁴Vincent J.H. Houben, *Keraton dan Kompeni, Surakarta dan Yogyakarta, 1830-1870*, Bentang Pustaka, Yogyakarta, 2002, p. 678-684

Actually the number of already set by the laws kingdom, but in reality people who pay the highest which will get the job. The law also set the minimum the number of heads of families that can be assembled in the jacks (jacks administrative unit). However, due to the increase in jacks always bring great income for the landowner, the landowner nobility expanding job vacancies jacks with the aim of getting as much money as possible. Type of money is also collected for other positions in the apanage system kingdom administration.⁵ Patrimonialism kingdom system in Java represents the administration at kingdoms Nusantara. structurally, this system is open the chances for corruption, especially for people who have power over the land.

b. Colonialism of VOC, the Dutch East Indies, and Japan

In the early nineteenth century, emerging new norms at Europe, especially at France or the Netherlands. In the Netherlands, the behavior of public officials which formerly seen as normal, began to be viewed with a more critical eye. It also affected the colony. The practice of corruption at the VOC body that caused a bankruptcy in the late eighteenth century became the

⁵Soehartono, *Apanage dan Bekel: Perubahan Sosial di Pedesaan Surakarta, 1820-1930*, Tiara Wacana, 1989

spotlight or become the benchmark to the emergence of new norms in the bureaucracy.⁶ In the form of bureaucratic patrimonialism, practiced by the VOC in the eighteenth century. Although VOC was a commercial entity, the administrative structure is the structure of the state. In Java, is considered as the successor patrimonialism practiced by the kingdoms on Java in the seventeenth century.

The first figure who brings new norms of public behavior was Dirk van Hogendorp, a Commissioner stationed on the Dutch East Indies. He regarded as a transitional figure, from the the period of to the Dutch East Indies colonial period. Even though he was became an important part and directly involved in the structure of patrimonial bureaucracy, he is regarded bring new value in looking at the behavior of public officials. In his letters to his brother Gijs Bert Karel, he reveals much about the behavior of public officials on the Dutch East Indies. With the unfolding of his letters to the public, gradually causing the behaviors previously considered 'normal' and personal benefit for Dirk and other officers, it began to be viewed as a deviant action.⁷

⁶J.C. Van Leur, *Indonesian Trade and Society*, W. Van Hoeve, Den Haag, 1955, p. 287

⁷W.F. Wertheim, *Sociological Aspect of Corruption in Shoutheast Asia*, dalam, *East-West Paralles: Sociological Approach to Modern Asia*, The Hague: W. Van Hoeve Ltd, 1964, p. 111

Nominal value from the the salaries of the VOC officials at the time is small, Dirk only received a salary of 80 guilders. VOC officials have lavish lifestyle and wealthy, instead from the nominal of his salary, but from the other income. Dirk's father who also VOC officials were killed on the way back from the Netherlands to the Dutch East Indies because his ship sunk. is said that the sinking of the ship because overloaded with contraband, 'income', etc., which were then assessed illegal. Dirk wrote in one letter, it was a matter of course, thank you on general conception in all branches of the VOC in Batavia “well-high legitimated by the detestable system of the Company to pay its employees badly, Thus fostering unlimited cupidity”.⁸

Financial benefits that gained by Dirk as the Dutch East Indies officials also clear. He said “i could not live on the win”. As officials Compagnie, Dirk have privileges for doing various charges. For Dirk case's charges that it imposes more than 4000 rix dollars, comes from levies made by ancient custom which is also done by the predecessor. For example fines to overweight luggage out of the Chinese and Java, the advantages of opium sales, gifts, and others. Dirk mentions the types of gifts which gained from the native officials, regent for example, the appointment gift of new officials, the gift of each new year, gift to

⁸*Ibid.*, p. 112

wife which gave birth, every charges will be facing to the governor in Semarang and the Dutch East Indies, and so on. Gift or tributes will be present by itself, without being asked who is going to bring, because has become a legacy from its predecessor.⁹

Meanwhile, Clive Day in his research also trace the historical development factors of corruption in Indonesia. he was concluded that until 1800, (Vereenigde Oost Indische Compagnie) has provided a striking example of the corrupt behavior. That the Company in general underpaid and always be the temptation to offer a combination of weak natives organization, it was an incredible opportunity in the trade, and because there is no control from mains country. Officials became rich by stealing from Company. Some of the theft emerged openly, even in much cases can be considered illegal.¹⁰

Entering the nineteenth century, with the establishment of the Dutch East Indies colonial state corruption persisted even thrive. The writings of Raffles¹¹ and a number of reports cited by Clive Day gives much evidence for it. Raffles stated that the destruction of the power Company and the formation of the Dutch

⁹*Ibid.*, p. 113

¹⁰Clive Day, *The Dutch in Java*, Oxford University Press, London, 1966, p. 100-103

¹¹Thomas Stamford Raffles, *The History of Java*, Black Parbury and Allen, London, 1817

East Indies at the turn of the century resulted in a wider corruption. Since the control and regulation of expanded, both European or natives officials they pleased doing the foul, enjoying a number of benefits from most of the resources who pass through their hands, even if they are not right.

In Sumatra, there are many wars and rebellions 'ethnic' by the progenitor dealing with the sovereign power, as the natives officials. For maintain autonomy over land rights and the maintenance of traditional revenue-sharing. However, the difference with Java, the progenitor or jacks in apanage system, it has a strenght comparable as the king, so they can get a large on the opening of the West estate lands.¹² As well as stealing from the Company in the eighteenth century, minor forms of extortion by officials who happens when natives also tolerated. In the investigation of the 1850s, the small indigenus population never openly expressed complaints about irregularities. In this way, during the Dutch period, not successfully remove the feudal , because the success of colonial rule can not be achieved without going through the native elite structures and the system already exist. The effectiveness of the power relations and governments among the ruler of Europe and the indigenus people rely heavily on natives elites, even though efforts to reduce the rights of feudal

¹²Daniel Perret, *Kolonialisme dan Etnisitas, Batak dan Melayu di Sumatera Timur Laut*, Kepustakaan Populer Gramedia, Jakarta, 2010, p. 186-7

natives elites has been done, patrimonialist properties still maintained for the smoothness of the power.¹³

The transition of power from the Dutch to the Japanese colonialism, in the March 8, 1942, does not change the feudal system that had been exist Japan's ruling only for 3.5 years also maximize the role of natives elites. from nationalists, or the Kyai. At first arrival of Japan received a good reception from the Indonesian side. However, a positive attitude and impressive Japan does not longstanding, only two weeks after its occupation. On March 20, 1942, Gunseikan (head of the military government) issued two regulations that harm the nation of Indonesia: 1) All forms of discussion, motions, suggestions, propaganda about the civil structures for the time being prohibited. 2) The prohibition to the raising of the flag other than the flag of Japan (Hinomaru), the in other words the raising of the flag is also prohibited. On March 9, 1943 established the movement of people named Poetera (People Power Center), to carry out two propaganda: tear down the rest of the allies the Dutch East Indies and add to the earth productions. But just a ploy, Japan betrayed Indonesia, the promise for independence had been forgotten, Japan comes as the new ruler, with a great mission Nippon Sheisin. Japan's claim to

¹³Clive Day, *The Dutch in Java....*, p. 307

be chief of Asia, to release Asian nations from colonialism capitalism Western imperialism.¹⁴

So that, Indonesia was only used the spoils and property rights fully, both nature and human results. Japan set a brutal feudal, compulsory set (*romusha*), the harder and inhumane than the Dutch colonial period, the entire estates farmer-owned former the Dutch East Indies, was hired to plant the types of specialty crops such as rice, tubers, the distance , to supply the needs of the Japanese forces in the *Asia Raya* war. Other citizen in area controlled by the Japanese, are required for providing the rice, livestock, clothing, jewelry, human labor, men women. For manpower woman enslaved prostitutes, while the men worked to build roads or airfields. At this time, the economic crisis is most serious in the history of Indonesia, tens of thousands of villagers who are employed as meet his death of *romusha*.¹⁵ Throughout the village, the people are suffering so much, many died because starvation, deprived partly of food rations and corrupted, by the Japanese or natives officials.¹⁶

¹⁴Mohammad Hatta, *Menuju Gerbang Kemerdekaan*, Jilid III, dalam *Untuk Negeriku, Sebuah Otobiografi*, Penerbit Buku Kompas, Jakarta, 2010, p. 47-53

¹⁵Mohamad Roem, et. al., *Takhta Untuk Rakyat, Celah-Celah Kehidupan Sultan Hamengku Buwono IX*, Gramedia Pustaka Utama, 2011, p. 54-55

¹⁶Syed Hussein Alatas, *Sosiologi Korupsi....*, p. 57

c. Failure of the Indonesian Revolution 1945, Soekarno's regime, and Soeharto's regime

The end of the second world war that lasted 1939 to 1945, accompanied by the emergence of the Indonesian nationalist movement since the early twentieth century, however, it has a contributed greatly to the independence of Indonesia, August 17, 1945. The properties of exploitative, nepotistic, and collusive who became characteristic of the colonial peoples, it was main goal to be eliminated, through modern education and the national movement. The independence is the people's desire for escape from the suction and oppression under colonial and feudal system.¹⁷ Although revolution of 1945 has been succeeded in creating new independent Indonesian society, but all of the legal order, the bureaucracy and, instrument of the colonial state still be maintained. In other words, the independence of Indonesia failed to change the characteristics of social order feudal-colonial toward a democratic society. Later on, the characteristics of colonial in the modern Indonesian bureaucracy is still be maintained by the New Order, Soeharto era.

In the period of the revolution (1945-1950) is an Indonesia time being in an effort to maintain the independence

¹⁷M.C. Ricklefs, *Sejarah Indonesia Modern 1200-2004*, Serambi, Jakarta, 2007, p. 427-428

from the Dutch military aggression. In the case of Java and Sumatra occurs the radical efforts to encourage the creation of a social revolution, who its purpose destroy the fabric of society. Principal target is the kidnapping and murder of local leaders who feudalistic and become lackeys of neo-colonialist. Movement which conducted by leftists was claimed many victims, even more victims who died fighting against the Dutch. This movement as a form of community dissatisfaction with the leaders of the country who failed to bring a new order in the society. In other words, that the revolution of 1945 was not successfully remove the properties of patrimonialism which became sociological and cultural roots of corruption in Indonesia.

Soekarno as the father of the proclamation as well as the mandate of the first president of Indonesia, initially having egalitarian ideas, critical of the colonialism, imperialism and elitism. However, in the course of time as president, Soekarno tend to be authoritarian.¹⁸ He instability of politic and economic in the reign of Soekarno (1945-1967) became basic causes of why corruption still evolving. Many indicators show the direction of corruption justification at that time. Namely declining the exchange rate of rupiah, many company led by the military, and

¹⁸Baskara T. Wardaya SJ, *Bung Karno Menggugat!, Dari Marhaen, CIA, Pembantaian Massal '65 hingga G 30 S*, Galang Press, Yogyakarta, 2006, p. 228-234

the press which tightly controlled.¹⁹ During the guided democracy takes place, the Soekarno government tend to be oligarchic assessed as a leader which spend money for the construction of the monuments and buildings are prestige worth in the international sight. The waste of the country's finances are run in the middle of the slumped economic of society conditions. Thus, Soekarno was considered that he dereliction of the society mandate, actually, the financial have to used for the benefit of the public which more real and urgent.²⁰ According to Jamie Mackie, corruption were triggered; "Disastrously inflationary bujets Salaries eroded civil service to the point where people simply could not live on them and where financial accountability virtually collapsed is because of the administration deterioration".²¹ At the end of the Soekarno regime occurs massive violent incidents in Indonesia, namely the massacre of communist groups, which killed more than 60 thousand people.

The scenario of massacre PKI group gave birth social and political upheavals, that condition exploited by Soeharto forcing Soekarno for turn over leadership of Indonesia. During Soeharto's

¹⁹P. Bohari, *Menelusuri Kembali Riwayat Pemberantasan Korupsi di Indonesia*, Ishlah, 2001, p. 73-76

²⁰Taufik Abdullah, Sukri Abdurrahman (Editor), *Indonesia Accross Order, Arus Bawah Sejarah Bangsa (1930-1960)*, LIPI Press, Jakarta, 2011, p. 29-31

²¹Jamie Mackie, in P. Bohari, *Menelusuri Kembali Riwayat....*, p. 88

reign 32-year (1967-1998)²², it was set out as authoritarian government. Public morality is reduced by the dominant of political interests at the time. Country through the government had intentionally build the stigma and abuse of power, by legalizing the practice of corruption among of government officials. Thus allowing the occurrence of irregularities and massive abuses against the use of public funds which conducted by Soeharto, his family and his cronies.

According to George Junus Aditjondro, Soeharto during 32-year of his leadership successfully build a three foot of the oligarchy strength. The first leg, the oligarchy of the palace. The palace is not just the presidential palace, but a family housing complex which located at St. Cendana. The business agreements with Soeharto family agreed on this Cendana palace, including the ratification of 17 foundations treaties which is controlled by Soeharto family, under the direction of *Ibu Tien*.²³ second Oligarchy is the barracks, as well as a protective circle of interests palace. Barracks here consists of the military community and the police, from the retired senior officers, to the soldiers, which is

²²Peter Kasenda, *Soeharto, Bagaimana Ia Bisa Melanggengkan Kekuasaan Selama 32 Tahun?*, Penerbit Buku Kompas, Jakarta, 2013, p. 4

²³There are: Yayasan Dharmais, Yayasan Supersemar, Yayasan Trikora, Yayasan AMP, Yayasan DGRK, Yayasan Harapan Kita, Yayasan Dakab, Yayasan Damandiri, Yayasan Seroja, Yayasan Mangadeg, Yayasan Ibu Tien, RS. Harapan Kita, RS Dharmais, TMII-MPBP, Tapos, Mekar Sari, Pustakanas. See George Junus Aditjondro, *Korupsi Kepresidenan: Reproduksi Oligarki Berkaki Tiga*, LKiS, Yogyakarta, 2006, p. 3-5

responsible for maintaining the interests of a great capital. While the third leg of the Soeharto oligarchy is the ruling party. Party here of course is Golongan Karya (Golkar). Golkar served as a fortress for the second protection for . the business circles of the palace, which also serves to disguise of the alignments of the soldiers in protecting the business interests of the palace household. With such powerful oligarchs, Soeharto was recorded by Transparency International, he has produced a number of a larger world corruption, which reached \$ 15-35 billion. The amount of wealth was obtained through corrupt activities both domestically and abroad, such as; 1) create a foundation; 2) use the assets that belong to friends Soekarno; 3) issuing and abusing Presidential Decree; 4) establish commodity monopoly; 5) misuse of public facilities; 6) Gate-Keeping and Rent-Seeking; 7) lease plane for pilgrims; 8) use private plane to smuggle gold out of the country; 9) imported arms and . trade the explosives; 10) print and trade of counterfeit money; and 11) smuggling drugs.²⁴

For perpetuating the corrupt power, Soeharto through his iron hand, oppressive, paralyze, and silence his political enemies in various ways: 1) establish a regime based on the terror states; 2) involving the military in a variety of businesses; 3) abuse the power of the military and law enforcement agencies; 4) censoring

²⁴*Ibid.*, p. 38-50

and intimidate the media; 5) kills the vocal critics; 6) establish the corruption nation with a broad oligarchy; 7) creates a pro-Soeharto Muslim front; 8) provoke anti-Chinese sentiment; 9) fund politicians are pro-Soeharto; 10) build a diverse group of thugs.²⁵

In this way, people intimidated and permissive with corruption. Corruption sneak in a political culture mute (silent culture) that hegemonisasi by the government. This makes the community seem silent and dismissively due to their fears who manufactured by the government systematically. Silent means dealing with power, which of course will lead to pressure and repression to the brave speak out. This is due to the shape and pattern of power practice which tends to suppress so openly legalized corrupt practices, even in front of the eyes of ourselves society. It is obvious in the way the history of Indonesia up to the time of independence has occurred the process of discontinuity seem and continuity. Aspects of the discontinuity seem from the end of colonialism foreign in Indonesia, while it looked continuity still find the characteristics of the social system and culture-feudal-bureaucratic patrimonialism in social and state practices in Indonesia.

²⁵*Ibid.*, p. 68-87

2. Behavior

Based on the historical analysis above, it can be concluded that corruption has become the behavior of the Indonesian nation. When evaluated from evolutionary point of view, the seeds of corruption appeared since the patrimonialism kingdom era, treading the growth phase at the time of colonialism colonists, thrives after independent of Indonesia, until it turns into a forest wilderness of corruption' in the Old Order and New Order. So that in the development of corruption is pathological which damaging the passage of cultural, social, economic, religious, and legal systems. Because of corruption has become systemic behavior, so the operation is not done individually, but collectively worked. However, in practice, corruption occurs because the breeding process of psikokultural inside of the perpetrator itself, it is also supported by the political behavior ongoing, added with indecisiveness prevailing laws in Indonesia. The third process is ultimately more strengthen Indiscriminate.

a. Psycho-cultural Phenomenon

In terms of psychological, statement of Bung Hatta that corruption has become a part of the behavior of Indonesian, that is the concern statement (hyperbolic assertion), the situation of

‘red light’ on a dangerous situation.²⁶ At the end corruption is a reality psycho-cultural. it has psychological and cultural strong roots. Thus, there are mechanisms of psychological and cognitive that everyone can do the corruption. In fact people who know that corruption is contrary to all laws and social norms, at the same time believing ourselves are good people. In that psycho-cultural domain can be understood as a paradoxical irony on the rampant of behavior corruption in the country which are the largest Muslim population in the world. Even the corruptors looks obedient in carrying out ‘religious rituals’, Despite failure creating personal and social godliness.²⁷

Corruption in terms psycho-cultural is the phenomenon which being studied is a continually. There are several psychological process which shape the public behavior corruption. First, vicarious learning, ie learning through other people’s behavior, especially among the politicians, government officials, representatives of the people and corrupt business. This means that the people of Indonesia study the corruption from the corrupt circles of various before, it is directly heard and seen every day, one of them through the news media. Secondly, the process of desensitization, because the corruption very often

²⁶Mochtar Pabottingi, *Arah Skalpel Atas Korupsi*, in Saldi Isra, *Kekuasaan dan Perilaku Korupsi*, Penerbit Buku Kompas, Jakarta, 2009, p. ix-xi

²⁷Bambang Widjoyanto, et. al., (ed.), *Koruptor Itu Kafir*, Mizan, Bandung, 2010, p. xvi

occurs and touch all aspects of life, so corruption was considered trivial and reasonable. So that the public are not sensitive anymore to the problem of bankruptcy social, moral, and economic behavior that is behind of the corruption behavior. Third, the process of rationalization, corruption behavior is always preceded by psychological justification offender. The strategy that was used to justify the corruption is denial of responsibility (the corruption is done because of the demands or environmental influences, and at the moment there are no other options), and denial of injury (assuming that corruption does not harm anyone directly).²⁸

b. Political Behavior

Indonesia since independence until now, it has implementing a democratic system.²⁹ However, Along the way occur the corrupting democracy. Corruption constantly happen because opening the doors of irrational politics in this country. Definition of the Politics which aims for the benefit of the people were reduced and replaced (openly) with a political party or political 'horse-trading'. So the political mandate is not achieved,

²⁸*Ibid.*, p. xvii-xviii

²⁹J Kristiadi, *Demokrasi dan Korupsi Politik*, in Wijayanto, et. al, (ed.), *Korupsi Mengorupsi Indonesia*, Gramedia Pustaka Utama, Jakarta, 2009, p. 449

at the same time, there is abuse of the authority or public position in order personal interest or gain.³⁰

If the political parties in Indonesia that stood since 1920-1960 have good ideological and political education for society, it is quite different since Suharto era until now, the party managed manipulative even without a clear ideology.³¹ Thus, the process of development politic for the public by parties in Indonesia during the era reformasi are not going well. No regeneration process or political education for cadre, the election of the party controlled in corrupt, with transaction positions. When the process of selecting a leader and representative of the people in Indonesia still relies on the party machine 'dilapidated', so along the way this country will be controlled by the corruptors, which they brings the benefit of parties are winning elections.³²

Furthermore, in the body system of government, in evolution, from time to time, it was happen multiplication pathological corruption (insanely). Since the period of Dutch colonization, government of Soekarno, and Soeharto government, the existence of centralization of political power, become the main mode in the corruption behavior. In other words, although

³⁰Etty Indriati, *Pola dan Akar Korupsi*, Gramedia Pustaka Utama, Jakarta, 2014, p. 118-120

³¹Mochtar Pabottingi, *Arah Skalpel Korupsi...*, p. xxi

³²Kristiadi, *Demokrasi dan Korupsi Politik*, in *Korupsi Mengorupsi Indonesia...*, p. 467-468

the rules of the game in the politics system is almost entirely new, but the executor of duties are still the old people, which they have the mentality of 'greedy' robs people's money. Because the absence of clean-up efforts of the previous regime elements that adversely at the government reform regime. As a result, in this new regime, politics systems were engineered to be more vulnerable to the occurrence practice of corruption. Namely the introduction of decentralization and recentralization of government at once. Decentralization of power is done through regional autonomy legislation, while the recentralization of power through the provision of 'be constitutional power' in the legislature or the central regions. The application of these politics systems to make government runs without control. It means, compared to the previous eras, politics systems reform era opened a greater chance for corruption.³³


Through the decentralization, corruption behavior spreads to the areas. Corruption behavior is more massive and rooted. While the centralization of power in the legislature resulted in greater, that create the occurrence of creating legislation based on collusion are corrupt and manipulative. The main Allied of corrupt practices by the legislative officials is the capital owner (indigenous and foreign business), but often in practice, executive

³³*Ibid.*, p. xiv-xv

officers, and the judiciary are also included. In conclusion, there was collusion in government for corrupting the country and their own nation on a large scale. The fact is corruption behavior, resulted in significant and subtle are felt by the nation and the state.

B. Islamic View Against Corruption

As a perfect religion, Islam is not only regulates the relationship between human beings to the God, but also arrange the relationship among beings; humans with humans, even humans with nature. In some cases, the quality of human relationships is a reflection of the relationship quality of human to the God. Therefore, Islam presents the concept of *Maqāṣid as-Syari'ah*. Al-Qur'an insists that the general purpose of the apostolic mission the Prophet Muhammad is spread mercy to the whole of nature.³⁴


 وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

We have not sent you except as mercy to the worlds. (al-Anbiya' [21]:107).³⁵

³⁴Tim Kerja GNPK PBNU, *NU Melawan Korupsi, Kajian Tafsir & Fiqih*, Tim Kerja GNPK PBNU, Jakarta, 2006, p. 69-70

³⁵Q.S. al-Anbiya' [21]: 107.

Based on the above verse, it could be concluded that the goal of islamic shari'a is to realize the welfare (*Maşlahah*)³⁶, in the world and the hereafter. From the concept of human welfare, then be formulated the five principles (*al-kulliyat al-khamsah*), which includes: *hifđ ad-dīn*, which keeping the religion from polytheism, disbelief, and all forms destruction; *hifđ an-nafs*, which keeping the life and soul also body; *hifđ an-nasl*, namely keeping the offspring; *hifđ al-māl*, which keep the goods and property acquired obtained in a religiously permitted; and *hifđ al-'aql*, namely keeping the mind.³⁷ Furthermore, goal of islamic *syari'at* can be achieved if it is supported by the commitment of moral principles of Islam. These principles are: honesty and integrity (*as-şiddiq*)³⁸, the commitment to be trustworthy (*al-amīn*)³⁹, a commitment to justice (*al-'adl*)⁴⁰, and the commitment

³⁶Views of nature, there is a special benefit (*Maşlahah al-Khaşah*) and public interest (*Maşlahah al-'Ammah*). If there is a conflict between both of them, the public interest must take precedence. Meanwhile, according to its level, is divided into three: First, the primary benefit (*Maşlahah đaruriyah*) which is something that must exist for the enforcement of religious life and the world. Second, a secondary benefit (*Maşlahah hajiyah*) is something that is needed to avoid trouble (*al-masyaqqah*) and narrow (*al-đaraj*). The third benefit of tertiary (*Maşlahah at-tahsiniyyah*) is something that needs to be taken or avoided to make things better and beautiful. See Asy-Syađibi, Ibrahim ibn Musa, *al-Muwafaqat fi Ushul as-Syari'ah*, Dar al-Kutub al-'Ilmiyyah, Beirut, n.y., juz II, p. 7

³⁷*Ibid.*, p. 8

³⁸Q.S. at-Taubah [9]: 119.

³⁹Q.S. an-Nisa' [4]: 58.

⁴⁰Q.S. al-Māidah [5]: 8.

calls on the good and prevent the ugliness (*al-amr bi al-ma'rūf wa al-nahy 'an al-munkar*)^{41, 42}.

1. Definition of Corruption

In Islam, the existence of social relations principles was accompanied with the provision of moral pressure. A set of that moral pressure, as contained in the verses of al-Qur'an and al-Hadis description, should be implemented to the humans. Sometimes put pressure on the God rules which if violated will be punished accordingly, including corruption pinalty.⁴³ Corruption is a multi complex crime (*Tauṭi'ah*), although it appears to be merely related with the property issues (*Māliyah*). Actually, fiqh or Islamic law has much discussed about concept of property crime. Nevertheless, the concept of of this crimes can not be equated with the corruption which has a specific character.

Corruption is a modern crime, which continues grow, either types, modus operandi, motive of corruptor, and the pattern. The impact of that destruction resultant is increasingly widespread, either to the economic inequality, the lack of state sovereignty, the weakness of the society welfare, dulling the law

⁴¹Q.S. 'Ali 'Imran [3]: 104.

⁴²Majelis Tarjih dan Tajdid PP Muhammadiyah, *Fikih Antikorupsi Perspektif Ulama Muhammadiyah*, PSAP Muhammadiyah, Jakarta, 2006, p. 54-55

⁴³Hakim Muda Harahap, *Ayat-Ayat Korupsi*, Gama Media, Yogyakarta, 2009, p. 2-3

enforcement, up to the nation's morality had distorted. In other words, corruption has destroyed the nation start from behavior to way of thinking, so that corruption seems to be a culture and deemed reasonable.⁴⁴

So generally in the fiqh or Islamic law are not found the definition of corruption in the general term. However, for more Islamic views exploration to corruption must be known the elements that make up the the crime of corruption.⁴⁵ Based on the actions are categorized corruption within Indonesian positive law and the concepts of property crime in fiqh, there are three primary elements: first, the existence of the action can be means receiving, giving, and taking illegally; second, the existence of a betrayal to the public position or the mandate power; Third, any losses incurred by the wider community or the public.⁴⁶

Based on those elements, then there could be formulated a definition of corruption from Islamic point of view, ie an abuse action form of rights, position, authority, and the position are conducted for interests priority and personal gain, abusing the public mandate and the nation, following passions to enrich

⁴⁴Tim Kerja GNPK PBNU, *NU Melawan Korupsi....*, p. 57-58

⁴⁵*Op. cit.*, p. 54

⁴⁶*Op. cit.*, p. 107

themselves, and ignore the public interest.⁴⁷ Some elements of corruption above indicate the proximity of this crime with some crimes involves property that already exists on fiqh, as follows:

- a. Viewed from the act of taking property or other party illegally, corruption is identical with the theft (*as-Sariqah*), and consuming the illicit thing (*al-akl bi al-Bā'il*).
- b. Viewed from the side of involving abuse of power, corruption is very close to betrayal (*Khiyānat*), bribery (*akl as-Suht*), intervention (*ad-Dalaw*);
- c. Viewed from the embezzlement of public property, corruption is identical with *Gulūl*. Among some concepts of property crime in the fiqh, *Gulūl* have characteristics that almost resembles corruption;
- d. Viewed of that impacts, corruption is very close to damage (*al-Fasad*) and against Allah and His Prophet (*Hirabah*).

2. Verses and Asbābun Nuzūl

The thematic terms of the verses on Qur'an, then it found some terms appropriate with the understanding of the corruption elements. The terms are: term *Gulūl*, *as-Sariqah*, *Gaṣab*, *al-akl bi*

⁴⁷Muchlis Hanafi, et. al., *Pembangunan Ekonomi Umat, Tafsir al-Qur'an Tematik*, Lajnah Pentashihan Mushaf Al-Qur'an, Jakarta, 2009, p. 117

al-Bāṭil, ad-Dalaw, al-akl as-Suht, Khiyānat, Ḥirabah, and al-Fasad.

a. *Gulūl*

Term *Gulūl* and the derivations in Qur'an mentioned 18 times.⁴⁸ However, a significant of embezzlement to the spoils of war (public property) is only found in the Q.S. 'Ali 'Imran [3]: 161.

وَمَا كَانَ لِنَبِيٍّ أَنْ يَغُلَّ ۚ وَمَنْ يَغُلَّ يَأْتِ بِمَا عَلَّ يَوْمَ الْقِيَامَةِ ۗ ثُمَّ
تُؤْتَىٰ كُلُّ نَفْسٍ مَّا كَسَبَتْ وَهُمْ لَا يُظْلَمُونَ ﴿١٦١﴾

It was not for any Prophet that he should embezzle, and he who embezzles will be brought with what he has embezzled on the day of Resurrection, then every person will be given what it has earned without being wronged. ('Ali 'Imran [3]: 161)⁴⁹

Asbābun nuzūl:

⁴⁸Three times in Q.S. Ali 'Imran [3]: 161, two times in Q.S. al-Maidah [5]: 64, Q.S. al-A'raf [7]: 43 & 158, Q.S. an-Nisa' [4]: 171, Q.S. ar-Ra'd [13]: 5, Q.S. al-Hijr [15]: 47, Q.S. al-Isra' [17]: 29, Q.S. Saba' [34]: 33, Q.S. Gafir [40]: 81, Q.S. Yasin [36]: 8, Q.S. as-ṣaffāt [37]: 47, al-Mu'minin [23]: 71, Q.S. ad-Dukhān [44]: 45-46, al-Ḥasyr [59]: 10, Q.S. al-Hāqqāh [69]: 30, dan al-Insān [76]: 4. *Mu'jam al-fāz al-Qur'an al-Karim*..., Juz II, p. 290. See also Faiḍ Allah al-Ḥusni al-Maqdisi, *Fath ar-Raḥman li Ṭalibi Ayāt al-Qur'an*, Indonesia, Maktabah Dahlan, n.y., p. 332

⁴⁹Q.S. 'Ali 'Imran [3]: 161.

That verses relating to the loss of a piece of red carpet news (the spoils of war (*Gan̄mah*) which have not been distributed) at the Battle of Badr. Some people said: “Perhaps the Prophet who took it.” Then this verse came down as a rebuttal to these allegations.⁵⁰ In other history stated that the Prophet repeatedly sent the forces to war. At one point, there were forces back and some of them there are bring *Gul̄l* form uncal head gold. So that verse came down as prohibition takes *Gan̄mah* distributed by warlords.⁵¹

b. *Sariqah*

Term *Sariqah* mentioned in the Qur'an as much 8 times. Viewed out of fiqh, the meaning of *Sariqah* in the Qur'an in outline has similarities. That is takes the property or other people property in a hide way. One of the verse most often used as a source of law is Q.S. al-Maidah [5]: 38.

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ

وَاللَّهُ عَزِيزٌ حَكِيمٌ

⁵⁰Qamaruddin Saleh, AA Dahlan, MD Dahlan, *Asbabun Nuzul: Latar Belakang Historis Turunnya Ayat-Ayat Al-Qur'an*, Penerbit CV Diponegoro, Bandung, 1999, p.112. This history is Told by Abu Dawud and Tirmid̄i in his musnad from Ibn ‘Abbas

⁵¹*Ibid.*, p. 112-113. This History is told by at-Tabrani in his musnad from Ibn ‘Abbas

The male thief, and the female thief, you shall mark, cut, or cut-off their hand/means as a punishment for their crime, and to serve as a deterrent from God. God is Noble, Wise. (al-Māidah [5]: 38)⁵²

Asbābun nuzūl:

In a history explained, that a woman stole at the time of our Prophet, then he gave punished by cutting to the right hand. He also asks: “Is it acceptable my repentance oh my Prophet?” So Allah revealed the following verse which confirms, that one’s repentance will be accepted if he improved himself and doing good.⁵³

c. *Gaṣab*

Term *Gaṣab* mentioned once in Q.S. al-Kahf [18]: 79.⁵⁴ This verse does not have *Asbābun nuzūl*. *Gaṣab* in the fiqh has defined as an attempt to take control of the property or rights of others without permission by means of force or violence by overtly.⁵⁵

⁵²Q.S. al-Māidah [5]: 38

⁵³Qamaruddin Saleh, AA Dahlan, MD Dahlan, *Asbabun Nuzul....*, p. 181. This history is told by Ahmad in his musnad from Abdullah bin ‘Umar

⁵⁴Faiḍ Allah al-Ḥusni al-Maqḍisi, *Fath ar-Rahman li Ṭalibi....*, p. 327

⁵⁵M. Nurul Irfan, *Korupsi dalam Hukum Pidana Islam....*, p. 105-106

أَمَّا السَّفِينَةُ فَكَانَتْ لِمَسْكِينٍ يَعْمَلُونَ فِي الْبَحْرِ فَأَرَدْتُ أَنْ أَعِيبَهَا
وَكَانَ وِرَاءَهُمْ مَلِكٌ يَأْخُذُ كُلَّ سَفِينَةٍ غَصْبًا ﴿٧٦﴾

As for the boat, it belonged to some poor people who were working the sea, so I wanted to damage it as there was a kingcoming who takes every boat by force. (al-Kahfi [18]: 79)⁵⁶

d. *al-Akl bi al-Bāṭil* and *ad-Dallaw*

Viewed in the Qur'an, term *al-Akl bi al-Bāṭil* is mentioned three times⁵⁷, while the term *ad-Dallaw* mentioned in the Qur'an as much as five times⁵⁸. In terminological, term *al-Akl bi al-Bāṭil* is defined as the work done illegally and in violation of the Shari'ah, such as stealing, robbing, bribe, and others that have a negative impact in the life and peace of the community.⁵⁹ The meaning of *ad-Dallaw* is an effort to influence the decision or approach to bribe the judge.⁶⁰ Term *al-Akl bi al-Bāṭil* and *ad-Dallaw*, which has indications as an element of crime, which is similar to corruption, both are found together in the Q.S. al-Baqarah [2]: 188.

⁵⁶Q.S. al-Kahfi [18]: 79

⁵⁷In Q.S. al-Baqarah [2]: 188, Q.S. at-Taubah [9]: 34, dan Q.S. an-Nisa' [4]: 29. Faiḍ Allah al-Ḥusni al-Maqḍisi, *Fath ar-Rahman li Ṭalibi*.... p. 55

⁵⁸In Q.S. al-Baqarah [2]: 188, Q.S. al-A'raf [7]: 22, two times in Q.S. Yusuf [12]: 19, Q.S. an-Najm [53]: 8. *Ibid*, p. 152-153

⁵⁹Muchlis Hanafi, et. al., *Pembangunan Ekonomi Umat, Tafsir al-Qur'an Temati*..., p. 26. See also 'Āisyah bint as-Syati', *at-Tafsir al-Bayan li al-Qur'an al-Karim*, Dārul Ma'arif, Kairo, 1962, p. 35.

⁶⁰Hakim Muda Harahap, *Ayat-Ayat Korupsi*..., p. 61

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْءُوا بِهَا إِلَى الْحُكَّامِ
لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ﴿٢٨٨﴾

Do not consume your money between you unjustly by bribing the decision-makers so that you may consume a part of the other people's money sinfully while you know!. (al-Baqarah [2]: 188)⁶¹

Asbābun nuzūl:

At the time, Imriil Qais bin 'Abis dan 'Abdan bin Asyima' al-Hadrami arguing about land disputes. Imriil Qais trying to get it into his land with a vow in front of the judge. This verse as a warning to those who deprives another person with the falsehood.⁶²

e. *al-Akl as-Suht*

Term *al-Akl-Suht* as contained in the Qur'an as much as four times.⁶³ The definition *as-Suht* is giving a gift to a judge in judicial process, or officials in high places. Term *as-Suht* often interpreted as akin to bribery (*risywah*), for gifts or bribes given to the judge or official is intended to influence or reinforce the

⁶¹Q.S. al-Baqarah [2]: 188

⁶²Qamaruddin Saleh, AA Dahlan, MD Dahlan, *Asbabun Nuzul*..., p. 58. This history is told by Ibn Abi Haitam in his musnad from Sa'id bin Zubair

⁶³Q.S. al-Māidah [5]: 42-62-63, Q.S. Ṭaha [20]: 61. See Faiḍ Allah al-Ḥusni al-Maqdisi, *Fath ar-Rahman li Ṭalibi*.... p. 209

judge's decision to make the decisions or policies that favor the gift giver. The verses are in accordance with the definition is Q .S. al-Māidah [5]: 42.

سَمْعُونََ لِلْكَذِبِ أَكَلُونَ لِلسُّحْتِ ۖ فَإِن جَاءُوكَ فَاحْكُم بَيْنَهُم ۖ أَوْ أَعْرِضْ عَنْهُمْ ۗ وَإِن تُعْرِضْ عَنْهُمْ فَلَن يَضُرُّوكَ شَيْئًا ۗ وَإِن حَكَمْتَ فَاحْكُم بَيْنَهُم بِالْقِسْطِ ۚ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ ﴿٤٢﴾

They listen to lies, and consume money illicitly. If they come to you, then you may judge between them or turn away from them. If you turn away from them. If you turn away from them then they cannot harm you in the least; and if you judge then you should judge between them with justice. God loves those who are just. (al-Māidah [5]: 42)⁶⁴

Asbābun nuzūl:

A man from the tribe *Fadaq* having sex. *Fadaq*'s people had written to the Jews in Medina, so they asked Muhammad about the *zina* law. If he ordered bound or beaten then accept. And if he is ordered to be stoned (being stoned to death), then it should not be accepted. Then the person is ordered to be stoned.

⁶⁴Q.S. al-Māidah [5]: 42

Then this verse came, so that the Prophet established the law in accordance with the judgment of God.⁶⁵

f. *Khiyānat*

Khiyānat in general is not keeping promises. Mentioned in the Qur'an as much as three times.⁶⁶ While viewed from the definition of terminology, *Khiyānat* is abuse of the mandate in the context of social relationships, and relationships with God and His Messenger.⁶⁷ This definition was written in Q.S. Al-Anfal [8]: 27.

يٰۤاَيُّهَا الَّذِيْنَ ءَامَنُوْا لَا تَخُوْنُوْا اِلٰهَ وَالرَّسُوْلَ وَخُوْنُوْا اٰمَنِيَّتِكُمْ
وَاَنْتُمْ تَعْلَمُوْنَ

O you who acknowledge, do not betray God and the messenger, nor betray your trusts, while you know. (Q.S. al-Anfāl [8]: 27)⁶⁸

Asbābun nuzūl:

⁶⁵Qamaruddin Saleh, et. al, *Asbabun Nuzul*...., p. 184-185. This history is told by al-Humaidi in his musnad from Jabir bin Abdullah.

⁶⁶Q.S. al-Anfāl [8]: 27-71, dan Q.S. at-Tahrīm [66]: 10. See Faiḍ Allah al-Ḥusni al-Maqdisi, *Fath ar-Rahman li Ṭalibi*.... p. 141-142

⁶⁷Majelis Tarjih dan Tajdid PP Muhammadiyah., *Fikih Antikorupsi Perspektif Ulama Muhammadiyah*...., p. 62

⁶⁸Q.S. al-Anfāl [8]: 27

Abu Lubabah ibn Abdul Munzir (a Muslim) were asked by the Banu Quraidah (which at that time hostile to the Muslims) Quraidah during the war, about the views of the Muslims against them. Abu Lubabah gesturing with his hands on his neck (that would be killed). After the fall of this verse, Abu Lubabah regretted his actions for leaking Muslims's secret. He said: "Cuts my heart, so I can not move, because I feel they have betrayed Allah and His Messenger."⁶⁹

In another narration explained that Abu Sufyan left Makkah (spying on the activities of the Muslims). The news was delivered by Gabriel to the Prophet, that Abu Sufyan was in a place. Then the Prophet was said to the companions: "Abu Sufyan now be somewhere, catch and hold him." An hypocrite heard the Prophet's command, and informed through a letter to Abu Sufyan, that he be careful because the Prophet had to know the purpose and existence. Then this verse came as a warning to not betray Allah and His Messenger.⁷⁰

⁶⁹Qamaruddin Saleh, et. al, *Asbabun Nuzul....*, p. 224. This history is told by Sa'id bin Manshur in his musnad from Abdullah bin Abi Qatadah.

⁷⁰*Ibid.*, p. 224-225. This history is told by Ibn Jarir in his musnad from Jabir bin Abdillah.

g. *Hirabah* and *Fasad*

Hirabah are fighting Allah and His Messenger. According to the jurists, the term is synonymous with *Qat'u at-Tariq*, the attempted attacks, with weapons to others (individuals or communities) with the aim of seizing the assets in open places explicitly, often takes many victims soul. *Hirabah* including a range of crimes that have a major impact disturbing the public good.⁷¹ In the Qur'an, *Hirabah* accompanied by *fasad*, meaningful actions that cause catastrophic damage on the earth or damaging public benefit. Thus including elements of corruption of aspects associated impacts.⁷² *Hirabah* mentioned in the Qur'an as much as eleven times⁷³, while the term facade mentioned sixty-one times.⁷⁴ The mention at the same time of *Hirabah* and *fasad* contained in Q.S. al-Maidah [5]: 33 and 64.

⁷¹Tim Kerja GNPB PBNU, *NU Melawan Korupsi*..., p. 103-104

⁷²Hakim Muda Harahap, *Ayat-Ayat Korupsi*..., p. 74-75

⁷³Q.S. al-Baqarah[2]: 279, Q.S. Ali 'Imrān [3]: 37-39, Q.S. al-Māidah [5]: 33-64, Q.S. al-Anfāl [8]: 57, Q.S. at-Taubah [9]: 107, Q.S. Maryam [19]: 11, Q.S. Sabā' [34]: 13, Q.S. Muḥammad [47]: 4, dan Q.S. Šād [38]: 21. See Faid Allah al-Husni al-Maqdisi, *Fath ar-Rahman li Talibi*.... p. 98.

⁷⁴Q.S. al-Baqarah[2]: 11-12-27-30-60-205-220-251, Q.S. Ali 'Imrān [3]:63, Q.S. al-Māidah [5]: 32-33-64, Q.S. al-A'rāf [203]:74-85-86-103-127-142, Q.S. al-Anfāl [8]: 73, Q.S. Yūnus [10]: 40-81-91, Q.S. Hūd [11]: 85-116, Q.S. Yūsuf [12]: 73, Q.S. ar-Ra'd [13]: 25, an-Nahl [16]: 88, Q.S. al-Isrā' [17]: 4, Q.S. al-Kahfi [18]: 94, Q.S. al-Anbiyā' [21]: 22, Q.S. al-Mu'minūn [23]: 71, Q.S. as-Syuara' [26]: 152-183, Q.S. an-Naml [27]: 14-34-48, Q.S. al-Qaşās [28]: 4-77-83, Q.S. al-'Ankabūt [29]: 30-36, Q.S. ar-Rūm [30]: 41, Q.S. Šād [38]: 28, Q.S. al-Mu'min [40]: 26, Q.S. Muḥammad [47]: 22, dan Q.S. al-Fajr [89]: 12. *Ibid.*, p. 343

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ
 فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خَلْفٍ
 أَوْ يُنْفَوْا مِنَ الْأَرْضِ ۚ ذَٰلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا ۗ وَلَهُمْ فِي
 الْآخِرَةِ عَذَابٌ عَظِيمٌ ﴿٣٣﴾

The recompense of those who fight God and His messenger and seek to corrupt the land, is that they will be killed or crucified or that their hands and feet be cut off on alternate sides or that they be banished from the land. That is a disgrace for them in this world . In the Hereafter, they will have a great retribution . (Q.S. al-Mā'idah [5]: 33)⁷⁵

Asbābun nuzūl:

Abdul Malik bin Marwan wrote a letter to Anas, which contains questions about this verse. Anas replied by explaining that this verse was related to the events of the tribe 'Urainah apostate and killed the shepherd and camel taken away. This verse fall as a penalty for people who making the damage and the noise in the earth, with the killing and damaging public order.⁷⁶

⁷⁵Q.S. al-Mā'idah [5]: 33

⁷⁶Qamaruddin Saleh, et. al, *Asbabun Nuzul...*, p. 180-181. This history is told by Ibn Jarir in his musnad from Yazid bin Abi Ḥabib.

وَقَالَتِ الْيَهُودُ يَدُ اللَّهِ مَغْلُولَةٌ ۚ غُلَّتْ أَيْدِيهِمْ ۖ وَوُعِنُوا بِمَا قَالُوا ۗ بَلْ
يَدَاهُ مَبْسُوطَتَانِ يُنفِقُ كَيْفَ يَشَاءُ ۚ وَلَيَزِيدَنَّ كَثِيرًا مِّنْهُم مَّا أُنزِلَ
إِلَيْكَ مِنْ رَبِّكَ طُغْيَانًا وَكُفْرًا ۚ وَالْقَيْنَا بَيْنَهُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ
إِلَى يَوْمِ الْقِيَامَةِ ۚ كُلَّمَا أَوقَدُوا نَارًا لِلْحَرْبِ أَطْفَأَهَا اللَّهُ ۚ وَيَسْعَوْنَ
فِي الْأَرْضِ فَسَادًا ۚ وَاللَّهُ لَا يُحِبُّ الْمُفْسِدِينَ ﴿٦٦﴾

The Jews said: “The hand of God is tied-down!” Their hands will be tied-down, and they will be cursed for what they have said. No, His hands are wide open, spending as He wills. For many of them, waht has been sent down to you will increase them in aggression and rejection; and We have cast between them animosity and hatred until the day of Resurrection. Every time they ignite the fire of war, God puts it out; and they seek to make corruption in the land; and God does not like the corruptors⁷⁷

Asbābun nuzūl:

In a history explained that a Jew named an-Nabas bin Qais said: “Your Lord was a miser (hunks) did not want to make a living.” So Allah revealed this verse to argue their speech.⁷⁸

⁷⁷Q.S. al-Māidah [5]: 64

⁷⁸*Op. cit.*, p. 189. This history is told by at-Ṭabrani in his musnad from Ibn ‘Abbas.

C. The Interpretation on Corruption according to Nawawi al-Bantani

1. Biography

Abu Abd al-Mu'ti Muhammad ibn 'Umar ibn 'Arabi at-Tanari al-Bantani al-Jawi, or more popularly known by his abbreviated name Nawawi al-Bantani, was born in the village of Tanara, in the district of Tirtayasa, Banten, in 1230 A.H./1813 A.D. Then, Nawawi's wife was both of rural origin, their names are Nasima and Hamdana. Nawawi had four children from two Arab wives, Names of Nawawi's children were Ruqayyah, Nafisah, Maryam and Zahra. Nawawi al-Bantani passed away on 25 Syawwal 1314 A.H./1897 A.D. at Shi'ab 'Ali, Makkah, when he was 84 years old. He was buried in Ma'la, close to the graves of Ibn Hajar, Siti Asma' bint Abi Bakr as-Şiddiq and K.H. Arshad Qaşir from Tanara. Out of remembrance and respect for what he has achieved through his works, the Banten community celebrates the day of his death on the last Friday and Sturday night of Syawwal every year in his home town of Tanara, Banten west Java.⁷⁹

According to the local religious leaders, the name of the village Tanara means to enlighten; some scholars see a

⁷⁹Zamakhsyari Dhofier, *Tradisi Pesantren: Studi Tentang Pandangan Hidup Kiyai*, LP3ES, Jakarta, 1982, p. 87

coincidence in this as they believe Nawawi to have ‘enlightened’ Islamic education. Nawawi’s father, ‘Umar ibn ‘Arabi was a district-*penghulu* (i.e. director of the mosque, etc) in Tanara who himself taught his sons; Nawawi, Tamim and Ahmad, the subjects of *‘Ilm al-Kalam, Nahwu, Tafsir, and Fiqh*. Then, the brother’s received further instruction from Haji Sahal, a famous teacher in Banten, and later went to Purwakarta in Karawang (West Java), where Raden Haji Yusuf attracted students who travelled there from the whole of Java.⁸⁰

Nawawi and his brothers made the pilgrimage while they were quite young. Afterwards, it would appear that only Nawawi remained behind in Makkah for about three years.⁸¹ Around 1833 Nawawi returned home with an extensive knowledge of the Islamic sciences. The youth in his village were interested in studying with him, but after his three year experience in the Holy Land, Nawawi had become accustomed to the system of Islamic education in Makkah. However, because of the popularity and his number of students continued increasing, the Dutch colonial government considered Nawawi as a threat to his power. The Dutch continued to checking the movement of Nawawi. This combined with the restriction on Islamic education in Indonesia

⁸⁰Chaidar, *Sejarah Pujangga Islam Syech Nawawi al-Bantani Indonesia*, Sarana Utama, Jakarta, 1978, p. 4-7

⁸¹Saiful Amin Ghofur, *Mozaik Mufasir Al-Qur’an dari Klasik hingga Kontemporer*, Kaukaba, Yogyakarta, 2013, p. 117.

set by the Dutch authorities, may have led him to decide to settle permanently in the neighborhood of the House of God. So that around 1850 Nawawi returned to Makkah for good.⁸²

It seems to have a tendency that the Indonesians who lived in Makkah at that time would gather among themselves and study from teachers who originated from the same country. The positive aspect of this attitude perhaps is that students could feel free and were more comfortable with their teacher. They would enable them to make progress in their studies and spare them some of the initial difficulties with language and culture. At the same time it gave them an opportunity to discuss issues affecting Indonesia. Conversely, it could also make them narrow-minded and discourage them from communicating with others. While Nawawi was in Makkah, he studies under Syaikh Abdul Ghani (Nusa Tenggara Barat), Syaikh Ahmad Khatib (Kalimantan Barat), Syaikh Ahmad bin Zaid (Jawa Tengah), Syaikh Ahmad al-Dimyati (d. 12/70/1853), Syaikh Ahmad bin ‘Abd al-Rahman al-Nahrawi, and Syaikh Ahmad al-Zayni Dahlan (d. 1304/1886), *mufti* Syafi’iyyah Makkah. However, he occasionally let Makkah to travel to other countries. He studied with Yusuf al-

⁸²Samsul Munir Amin, *Sayyid Ulama Hijaz: Biografi Syekh Nawawi al-Bantani*, Lkis, Yogyakarta, 2007, p. 15

Sunbulawayni (d. 1867), Abu Hamid al-Daghistani (d. 1884), dan Ahmad al-Nahrawi (d. 1346/1927).⁸³

In Makkah, improving his knowledge of the Islamic sciences and acting as leader, Nawawi smoothed the path of study for the Jawi community (the peoples of the East Indian Archipelago and Malaya). At first he taught during every available hour, but in the last fifteen years of this period he concentrated more on his literary work. Every morning, between 07.30 and 12.00 noon, he gave about three lectures, in accordance to the requirements of his numerous pupils. He welcomed younger boys who would begin their studies with grammar, as well as more advanced students. He taught in the *Masjid al-Haram* between the years 1860-1870, after which time he gave up teaching in order to devote him entirely to writing. Nawawi wrote prolifically in Arabic. Nawawi derived the ideas for his written work while he has teaching; he was more proficient in his writing than in his speaking.⁸⁴

Nawawi was a very prolific writer of Arabic. Many opinions stated Nawawi's works that have been published or were still in the form of manuscripts, numbered more than a hundred pieces of the book. The work consists of a variety of disciplines,

⁸³Mamat S. Burhanuddin, *Hermeneutika al-Qur'an di Pesantren: Analisis Terhadap Tafsiir Marah Labid*, UII Press, Yogyakarta, 2006, p. 19

⁸⁴Samsul Munir Amin, *Sayyid Ulama Hijaz...*, p. 50

such as *tafsir*, *fiqh*, *ḥadis*, history, *tauḥid*, character, *tasawuf*, and linguistics. Especially works that have been published and distributed amounted to 41 pieces.⁸⁵

⁸⁵The publication of no less than 40 books in the areas of literature and religion. Nawawi's Works in Tafsīr al-Qur'an field: *Tafsīr al-Munir li Muallim at-Tanzil al-Musfir 'an Wujuh Mahasin al-Ta'wil* or famous with *Marah al-labid li Kasyfi ma'na Qur'an al-Majid*. The works in Ushul al-Din field, there are: *Bahjatu al-Wasa'il*, *Syarh 'ala ar-Risalah al-Jami'ah Baina al-Ushuluddin wa al-Fiqh wa at-Tasawwuf* (1289/1872-3), *Fath al-Majid*, *Syarh 'ala Darul Farid fi at-Tauhid* (1289/1880), *Hilyatus Shibyan 'ala Fatkhurrahman* (1298/1880), *As-Simar al-Yani'at*, *Syarh 'ala Riyadh al-Badi'at* (1299/1881), *Qathru al-Ghais*, *Syarh 'ala Masail Abu Laits* (1301/1883), *Al-Tijan ad-Durari*, *Syarh 'ala al-'Alim al-'Allamah Syekh Ibrahim al-Bajuri fi Tauhid* (1301/1883), *Dzari'at al-Yaqin 'ala Ummi al-Barahin* (1303/1885), *Nur az-Zhalam*, *Syarh 'ala Manzhumah bi Aqidah al-Awwam*, (1303/1885), *An-Nahjah al-Jayyidah li Halli Naqawati al-Aqidah*, (1303/1885), *Al-Futuhatu al-Madaniyah*, *Syarh 'ala Syu'abu al-Imaniyah*. (1312/1894). The work in Hadith was *Tanqih al-Qaul al-Hatsis*, *Syarh 'ala Lubab al-Hadits* (1348/1929). The works in *Fiqh* field, there are: *Maraqi al-'Ubdiyyah*, *Syarh 'ala bidayat al-Hidayah*. (1287/1873), *Kasyifat as-Saja*, *Syarh 'ala Safinat an-Naja*. (1292/1875), *Mirqatu Shu'udi Tashdiq*. *Syarh 'ala Sullam at-Taufiq*. (1292/1875), *At-Tausyih*, *Syarh 'ala Fatkhul-Qarib al-Mujib*, 'Uqudu al-Lujain fi Huquqi Zaujain. (1296/1878), *Nihayah az-Zain*, *Syarh 'ala Qurratu al-'Ain bi Muhimmati ad-Din*. (1297/1879), *Sullam al-Munajat*, *Syarh 'ala Safinat ash-Shalat*. (1297/1879), *Suluk al-Jaddah*, *Syarh 'ala Risalah al-Muhimmah bi Lam'ati al-Mafadah fi Bayani al-Jum'ati wa al-Mu'addah*. (1300/1882), *Qut al-Habib al-Gharib*, *Hasyiyah 'ala Fatkhul-Qarib al-Mujib*. (1301/1883), *Al-Aqdu Samin*, *Syarh 'ala Manzhumat as-Sittin Masalatan al-Musamma bi al-Fatkhul-Mubin*, *Fatkhul-Mujib*, *Syarh 'ala asy-Syarbani fi 'Ilmi al-Manasik*. The works in Tasawuf field, there are: *Qami' ath-Thughyan*, *Syarh 'ala Manzhumat Syu'ab al-Iman*. (1296/1878), *Sullam al-Fudhala*, *Syarh 'ala Manzhumat al-Adzkiya*. (1301/1883), *Nashaih al-Ibad*, *Syarh 'ala al-Munbihat al-Istidad li Yaum al-Ma'ad*. (1312/1894), *Al-Mishbah az-Zhulam 'ala al-Hikam*. (1314/1896). The works in Arabic literature field, there are: *Al-Fushusu al-Yaquthiyyah*, *Syarh 'ala Raudhatul Bahiyyah fi Abwabi at-Tashrifiiyyah*. (1297/1879), *Kasyfu al-Maruthiyyah 'an Sattari al-Jurumiyyah*. (1298/1880), *Fatkhul-Ghafir al-Khatiyyah*, *Syarh 'ala Nazham al-Jurumiyyah al-Musamma bi Kaukab al-Jaliyyah*. (1298/1880), *Ar-Riyadh al-Fauliyyah*. (1299/1881), *Lubab al-Bayan*. (1301/1883), *Ad-Duraru al-Bahiyyah fi Syarhi al-Khasaisi*

2. Tafsir Marah Labid (al-Munir)

Among of Nawawi's work, *Tafsir al-Munir* will be discussed in great detail in this thesis. From this work, Nawawi awarded as *Sayyid 'Ulama Hijaz. Tafsir al-Munir* compiled based on interpretation's rules as a whole 30 Juz, in accordance with sort order of Usmani manuscripts. This interpretation composed of two volumes, that written in Makkah. Volume I consisted of 510 Pages, while volume II consisted of 476 pages.⁸⁶

The background of writing this commentary was at the instigation of his teachers. This statement stated by Nawawi in his introduction: *"Some scholars whom I respect have encouraged to write a commentary that explains the meanings of the al-Qur'an al-Majid. At first I was hesitant, because considering a hadith of the Prophet. "Any person who talk about the al-Qur'an with his*

an-Nahwiyyah. And the works in Prophet Biography, there are: Fath ash-Shamad, Syarh 'ala Maulid an-Nabawi. (1292/1875), Al-Ibriz ad-Dani fi Maulidi Sayyidnia Muhammad Sayyidi al- Adnani, Bughyatu al-Anam fi Syarhi Maulidi Sayyidi al-Anam, Targhibu al-Mustaqin, Syarh 'ala Manzhumat Sayyid al- Barzanji Zainal Abidin fi Maulid Sayyidi al-Awwalin, Madariju ash-Shu'ud, Syarh 'ala Maulid an-Nabawi (Kitab Maulid al-Barzanji), Syarah al-'Allamah al-Kabir 'ala Manzhumati al- 'Alim al- 'Amil wal Khabir al-Kamil asy-Syaikh Muhammad al-Mansur bi al- Dimyathi al-Lati allafaha fi at-Tawassuli bi al-asma'i al-Husna wabi Hadharati an-Nabi Shallallahu 'Alaihi wa Sallama wa bi Ghairihi min al-Aimmati Akhbar wa fi Madhi Ahli Baitihi al- Abrar, Fath al-'Arifin, Syarh al-Burdah. Samsul Munir Amin, Sayyid Ulama Hijaz...., p. 59-66.

⁸⁶Mustamin Arsyad, *Signifikansi Tafsir Marah Labid Terhadap Perkembangan Studi Tafsir di Nusantara*, dalam *Jurnal Studi Al-Qur'an*, Vol. I/ No. 3, 2006, p. 624-625.

*opinion, although it is true, but in fact he is mistaken.” Then the other hadith: “Those who talk about the al-Qur’an with his own opinion let him braced ready to occupy a position in the Fire.”⁸⁷ After weighing the need to continue the mission of the predecessor who has written commentaries of the Qur’an, Nawawi finally decided to write *Tafsir*. “In the end I meet these recommendations, as following in the footsteps of scholars of the Salaf are always open science for the benefit of the next generation. In addition, the work that I do not add anything. In addition, the effort of writing this commentary is that every age demands a renewal. For me, this interpretation will help to remember the lessons that have been learned previously, and also helps to add information for other people.”⁸⁸*

Nawawi spent over fifteen years to complete his commentary. Like a admitted above, Nawawi would not add to his mind. He wrote his commentary according to some reference books. The books were used as the reference was *Tafsīr al-Futuhāt al-Ilāhiyyah* by Sulaiman bin ‘Umar al-Jammal (d. 1204 H/ 1790 M), *Mafatih al-Ghayb* by Abu ‘Abd Allah Fakhr ad-Din ar-Razi (d. 1209 H/ 1795 M), *al-Siraj al-Munir* by Muhammad al-Syarbini (d. 977 H/ 1570 M), *Tanwir al-Miqbas* by al-

⁸⁷Muhammad Nawawi al-Jawi, *Marah Labid li Kasyf Ma’na Qur’an Majid*, Juz 1, Dar al-Fikr, Beirut, 2005, p. 2

⁸⁸*Loc.cit*

Fairuzabadi (d. 825 H/ 1415 M), *Irsyad al-'Aql al-Salim* by Abu al-Su'ud (d. 982 H/ 1574 M).⁸⁹ Besides the references mentioned above, Nawawi in his interpretation also frequently quoted from others Tafsir, like *al-Jami' li Ahkām al-Quran al-Karīm* by al-Qurtubi (d. 671 H). The pattern interpretation from tafsir Nawawi was tafsir fiqh with mazhab Syafi'i. In the field of *kalam*, Nawawi are more likely to use Asy'ariyah's mind. Then sufi's aspect in the interpretation of Nawawi, using the opinion of the tarekat Qadiriyyah, which many advocate the teachings of *zikir*.⁹⁰

The Characteristics of tafsir Nawawi presented with a mix of interpretive *ijmāli* and *tahlili*. This means that, in outline, the interpretation performed to explain the meaning of the Qur'an, such as Nawawi recognized, is not out of the context of the verse is the important thing. However, not infrequently also use *tahlili* on some verses which described in detail, using the history and reason. In his interpretation applications, Nawawi interpret the verse with another verse, verse or passage outlines according to Arabic grammar, explaining *qira'at as-sab'ah*, citing the history of hadith, *qaul ṣaḥabat*, or opinions of scholars on a verse, *asbāb*

⁸⁹*Loc.cit*

⁹⁰Mamat S. Burhanuddin, *Hermeneutika al-Qur'an ala Pesantren, Analisis terhadap Tafsir Marah Labid Karya K.H. Nawawi Banten*, UII Press, Yogyakarta, 2006, p. 50-51

al-nuzūl, and *munāsabah*. So tafsir Nawawi, in terms of its content, classified in the interpretation of classic shades.⁹¹

3. Interpretation of the Verses of Corruption Elements

a. Term *Gulūl* in Q.S. Ali ‘Imran [3]: 161

Nawawi interpret term *Yagulla*—as quoted from *Tafsir Ibn Kasir*, *Tafsir Abu ‘Amr* and *Tafsir ‘Asim*—which is not permissible for the Prophet betrayed his followers in the spoils (*ganīmah*). He also explained about *asbābun nuzul* as reported by al-Kalābi and Muqātil, that this verse was revealed at the time of the battle of Uhud. At that time the archers left his position on the hill of Uḥud, because the pursuit *ganīmah* that abandoned by Quraisy. And they said: “We are concerned that if the Prophet said that whoever takes something then that something for him, and when he is not handing *ganīmah* results as he had done in the battle of Badar. Then the Prophet said to them: “Did not I tell you that you did not leaving this position until the next coming my instructions?” They said: “We left most of our brothers stay awake.” Then the Prophet said: “You think that we negligent so

⁹¹Muhammad Nawawi al-Jāwi, *Marah Labid li Kasyf...*, p. 12

that we do not give the *ganīmah* thee.” Then this verse came down.⁹²

Nawawi then explained the history of other sab'ah's scholars who read *Yugalla*, meaning that : it is impossible for a prophet when betrayed in Ganīmah affairs , because revelation is always down to him from one time to another time. If there is someone who did manipulation, may be derived revelation to him about it, so that the perpetrators in addition to being tortured in the afterlife, they also humiliated in this world. Manipulation included in the despicable actions, and it is impossible Prophet did. Similarly, when the condition of the Muslims was indigent, as mentioned in a history that when *Ganīmah Hawājin* of the battle of Hunain was given to the Prophet, there was a man who manipulates a needle, then this verse came down. Anyone who manipulates *Ganīmah*, then in the hereafter, he will come to bring the treasure, carried at the top of his neck. There, he will receive a reply from the evil manipulations. Will it be added the torment, or reduced the reward.⁹³

b. Term *Sariqah* in Q.S. al-Māidah [5]: 38

⁹²Muhammad Nawawi al-Jāwī, *Tafsir al-Munīr li Ma'ālim at-Tanzīl (Marāḥ Labīd)*, Sinar Baru Algesindo, Bandung, 2011, Jilid I, p. 470

⁹³*Ibid.*, p. 471

The term *as-Sāriqu wa as -Sāriqatu* interpreted by Nawawi as the men and women thieves. Both will get the punishment of cutting off hands, the right hand with the limits of wrists, as quoted from Ibn Mas'ud who read *Aimānahum*. “One day when prosecuted thief named Ṭu'mah, so the Prophet ordered that his right hand was cut from the limits of wrist. Punishment of cutting off hands was intended other than as a reward for acts of stealing, as well as evidence of humiliation inherent in the thief. Then pronunciation *jazāan* located as *maf'ūl li ajlihi* while '*Amil* is *faḡṡa'u*, and *nakālan* as *maf'ūl li ajlihi* but '*amil* is *jazāan*; both are entered. This is like a sentence *Ḍarabtu Ibni ta 'dīban lahu iḡsānan ilaihi*, which means: I hit my son to educate as well as an improvement for him.⁹⁴

- c. Term *al-Akl bi al-Bāṡil* dan *ad-Dallaw* in Q.S. al-Baqarah [2]: 188

Nawawi explained the term *al-Akl bi al -Bāṡil* was an effort consuming or take over someone else's property in a manner that forbidden by the *Syari'ah*. Furthermore, in terms of *ad-Dallaw* explained, do not bring wealth affairs, to the judges with the aim of taking someone else's property in a way which sinful, i.e. with perjury. That someone which was in the wrong, deliberately with conscious doing evil deeds. The perpetrator is

⁹⁴Muhammad Nawawi al -Jāwi., Jilid II, p. 84

entitled to reproach and condemnation. This interpretation is confirmed by the history of *asbābun nuzul*, 'Abdan ibn Aswa sued 'Imru'ul Qais above a piece of land. Because 'Abdan was not have witnesses which reinforce it, the Prophet invited the 'Imru'ul Qais swore to dismissed the allegations. When Imru'ul Qais about to express his oath, the Prophet recited the word of God, about threats to exchange the promise of Allah and their oaths at a small price.⁹⁵ Finally 'Imru'ul Qais was not be swore and admitted the truth of 'Abdan.

Furthermore Nawawi also explained the another *asbābun nuzul*, that narrated by Abu Huraira. One day, there were two men ever dispute to the Prophet, which one an articulate, while others was not. In the end, the Prophet decided that the articulate as the winner. Then the defeated party said: “O Messenger of Allah, for God's sake which there is no god worthy of worship but He, in fact I was the right one. and then, the trial judicial held again, and won the articulate. The losing party was not accept and asked again repeated. At the time of the third trial, the Prophet said: “Anyone who seized the right of a Muslim through cleverness in speech, then what is seized is just a piece of hell fire.” So the

⁹⁵Q.S. Ali 'Imran [3]: 77

articulate admitted wrong and said: “O Messenger of Allah, the truth was his.”⁹⁶

d. Term *al-Akl as-Suht* in Q.S. al-Māidah [5]: 42.

In this verse, Nawawi interprets *al-Akl as-Suht*, as the act of consuming illicit assets, such as bribery in the judicial, the result of prostitution, the result of rental stud animals, the result of the business of cupping, the sale of dogs, the results of carcasses and khamr sales, the wages of predict and the services in disobedience.⁹⁷

e. Term *Khiyānat* in Q.S. al-Anfāl [8]: 27.

Nawawi interpret the term *Khiyānat* as understood in general. Ie the acts of betrayed Allah and His Messenger, especially in matters of religion, also betrayed mandates entrusted between human beings, while knowing what he did was a betrayal.⁹⁸

To strengthen the interpretation, also explained the *asbābun nuzul* of the verse . It was narrated that the Prophet ordered the siege of the Jews of Banu Quraizah because they have betrayed. After besieged for 25 night, they in a collapsed

⁹⁶*Op. cit.*, p. 175

⁹⁷Muhammad Nawawi al-Jāwi., Jilid II, p. 9

⁹⁸*Ibid.*, p. 542-543

condition and starvation. Then they asked for peace to the Prophet, as he gives peace to the Jews of Bani Nadir, which allow them to join their brethren in Azri'āt and Ariha, around the area of Sham. However, the Prophet refused and remained in the stance that they submit to the judgment which Sa'ad ibn Mu'az. But they refused, and said; “*Send us Abu Lubabah or Rifa'ah ibn Mu'zir, we will ask him advice in our affairs.*” Abu Lubabah was a Muslim which is close to them, because the property and his children were among the Jews Quraizah. So the Prophet sent Abu Lubabah to them, then they are asked; “O Abu Lubabah, what do you think if we abide the decisions to be made by Sa'ad ibn Mu'az related our fate this? Abu Lubabah hinted his hand to the neck, as a sign that the legal Sa'ad's decision was the death penalty. So he ordered the Jews Quraizah in order no pleasure in with the penalty. This case similar with the betrayal of Abu Lubabah to God and His Messenger indirectly.⁹⁹

- f. Term ***Hirabah*** dan ***Fasad*** in Q.S. al-Mā'idah [5]: 33 and 64

In Q.S. al-Maidah [5]: 33, Nawawi interprets the term *hirabah* as an act against the laws of God and His Messenger, nor those who fight against the lovers of Allah and His Messenger, the believers. Further, also explains the term *fasad*, which is

⁹⁹Muhammad Nawawi al-Jāwi, *loc. cit.*

damaging the earth with a variety of iniquity such as killing, seizing property of others with persecution. There are several levels of penalties for them; first, they should be put to death or crucified, if found guilty of robbery and murder at the same time. Second, cut the hands and feet in crossed when doing confiscation of other people, this penalty as a case of theft. Third, exiles from their homes if they just terrorize people through the streets.¹⁰⁰

Later in the Q.S. al-Māidah [5]: 64, Nawawi explains the the meaning *ḥirabah* as an act of war. In the context of this verse was waged war effort by Jews to various countries around it, including the power of Bukhtanaşar, the power of Peter ar-Rumi, the Zoroastrians, the Muslims, but all war plan had failed. While, *fasad* defined as the damage. Ie, the Jews seek to spread slander and provoke them, and obstructing a person which will meet the Prophet.¹⁰¹

¹⁰⁰*Ibid.*, p. 78

¹⁰¹*Ibid.*, p. 124

D. The Interpretation on Corruption according to Tengku Muhammad Hasbi As-Shiddieqy

1. Biography

Hasbi ash-Shiddieqy was born on March 10, 1904 in Loukseumawe, North Aceh. His father is Tengku Muhammad Husein ibn Muhammad Su'ud, become Tengku Chik loyalists in Simeuluk Samalanga. Tengku Chik still have nasab line up to Faqir Muhammad, a great king in the land of Mangiri Malabar before his departure to Aceh.¹⁰² While his mother is Amrah Tengku the daughter of Tengku Abdul Aziz, an authority holders of Qadli Chik Maharaja Mangkubumi. In addition, he is also the nephew of Abdul Jalil who is well kown as Tengku Chik in Awe Geutah. His another uncle is Tengku Tulot who ever had positions as Imeum in the reign of king Sri Maharaja Mangkubumi.

Almost all of the descendants of Tengku Chik in Simeuluk in Samalanga is ordained in history as among educators and fighters. In the capacity as educators, they built *rangkang* and *dayah* (in Java Pesantren). While as the fighters when the war blew up in Aceh against Dutch colonialism, there was a bit of a fall as a martyr on the battlefield. Hasbi, who was born in a t

¹⁰²Nourouzzaman Shiddiqi, *Fiqh Indonesia: Penggagas dan Gagasannya*, Pustaka Pelajar, Yogyakarta, 1997, p. 3-4

scholars-environment family, educators, and fighters at the same time, if traced his ancestors it's believed that his nasab is Aceh-Arab blood- mixture flowing in his body and may also Malabar. According to genealogy, Hasbi ash-Shiddieqy is descendants of Abu Bakr as-Shiddieq (573-13 AH / 634 AD), the first caliph. He is a thirty seventh generation of the caliph. So Hasbi did not hesitate to attach ash-Shiddieqy title behind his name. The addition of this name occurred in 1924 on the advice of Shaykh Muhammad ibn Salim al-Kalafi.

Although he was born when his father served as Qadli Chik, not along with it his childhood is so spoiled, even as most of the public at that time, he was also examined by various kinds of suffering. When he was six years old, in 1910, his mother passed away. After that Hasbi nurtured by Tengku Syamsiyah, more familiarly called Tengku Sham, the mother's brother who was not endowed with son. However, only two years under the care of Tengku Sham. As he is also called by God in the afterlife. After the death of Tengku Sham, Hasbi did not want to return home, with his father who had been married longer time. He prefers to live with her sister Tengku Maneh. Quite often he slept in meunasah (mosque) until later he became to-and-go students (*santri kalong*) of an Islamic boarding school to another Islamic

boarding school. While the encounter with his father is only done in order to learn and listen to his fatwa in solving a problem.¹⁰³

While the general condition of the people of Aceh, especially the northern part, is experiencing suffering as a result of prolonged suppression of Netherlands. Since 1904, Netherlands increased war aggressiveness due to four things: 1). The rise of the East world, 2) the smolder of the spirit of jihad fi sabilillah, 3). The spirit of Islam purification which is escorted by Pan-Islamic movement, began to become ideological foothold in Java. 4). Forecasts that 1904 is the time of victory sided with the people of Aceh. Tragic events by events-story of the struggle to defend the principles and beliefs- come and go into the recesses of Hasbi personality. His soul was forged by the situation of the struggle against colonialism. The suffer of Aceh people that is poverty bound is also a testimony of his childhood. He was sad when he saw some of them escape the crush of life issues and to the mystical world.

Growing up, 19 years old, Hasbi decided to marry Siti Khadijah, who still had kinship with him. Unfortunately, the marriage did not last long, because his wife died while giving birth to her first child, Siti Khadijah. More tragically, his daughter shortly saw the world, she quickly followed her mother. Hasbi

¹⁰³*Ibid.*, p. 7-8

was mourning. But some time later he decides to marry again with Tengku Nyak Aisyah binti Tengku Haji Hanum, his own cousin. This time, Hasbi marriage was unshaken until his death. From his marriage with Tengku Nyak Aisha, Hasbi be blessed with four children; two men and two women.¹⁰⁴

Being born in a religious environment, Hasbi has finished the Qur'an at eight years old. The next year he studied qira'at and recitation as well as the basics of interpretation and jurisprudence to his own father. Once upon a time, there was a request from official of Lhokseumawe to his father to register him to the Gultersnment school, but firmly rejected. His father worried if Hasbi's mind is overshadowed by doctrine of Christianity, as his refusal to be given an injection of smallpox immunization immunity, for fear of intruding water of infidels.

His father expects Hasbi later become a scholar. Because of that he then sent to one of the *dayah* in his hometown. This is done not only because of considerations to carry on the tradition of his ancestors but also because the appreciation of the clerical position in the eyes of the Aceh people still occupy the highest strata. Eight years Hasbi learn from one to another *dayah*. In 1912, he registered as students at *dayah* Tengku Chik In Piyeung, he studied Arabic grammar, especially *nahwu* and *sharaf*.

¹⁰⁴*Ibid.*, p. 10

Furthermore Hasbi learn to dayah Tengku Chik Geudong In Blang Kabu. Then to dayah Tengku Chik in Balng Banyak Samakurok for a year. After having acquired that his knowledge is considered sufficient, in 1916, he migrated to dayah Tengku Chik Idris in West Tanjungan, Samalanga.

This *dayah* is the largest and leading in North Aceh, which focus the curriculum on fiqh. Two years there, Hasbi moved to dayah Hasan Tengku Chik. Here he studied hadith and fiqh disciplines at once for two years. In 1920, he was given a *syahādah* (sort of diploma) by Tengku Chik Hasan, he was considered to have a stock of knowledge that is sufficient to own dayah. Although in essence, Hasbi's feeling not satisfied with the lessons he received, he finally returned to Lhokseumawe.¹⁰⁵

Because of Hasbi's intelligent and critical, he considers that the knowledge gained from dayahs is limited on shrewdness of reading books that have been taught. Even then, it all comes from madzhab Shafi'i. It is this factor that triggered more intense to take across his thoughts to study various ideas of tough outside the Syafi'i mazhab, especially those considered the expertise and gain personal charisma. Hasbi has a strong perseverance to read, it is not only limited to the Arabic language books, but also books

¹⁰⁵Saiful Amin Ghofur, *Mozaik Mufasir Al-Qur'an dari Klasik hingga Kontemporer*, Kaukaba, Yogyakarta, 2013, p. 159

written in Latin in addition to Arabic and Malay, even Dutch language. His skills gained from his friend's teaching named Tengku Muhammad. While the Dutch language, he learned from a Dutch citizen in exchange of his teaching to him.

After coming home from Kruengkale, Hasbi met Shaykh Muhammad ibn Salim al-Kalali, a prominent reformer of Islamic thought in Indonesia who live in Lhoksemauwe. In the meeting, Hasbi intrigued by the idea of Islamic reform, he also read a lot of magazines that carry Arabic renewal ideas published on Pinang island and Padang, Singapore. Seeing Hasbi's potential and spirit, as well as for the sake of the regeneration of persona that would move the carriage renewal of Islam in Indonesia, al-Kalali then encouraged him to go to Surabaya. Then, in 1926, he left for Surabaya and continuing education in Madrasah al-Irshad, a religious organization, that founded by Syaikh Ahmad as-Surkati (1874-1943), a scholar from Sudan who has modern thought at the time. Here, he took lessons *tahassūs* (specialization) in the field of education and language. This educational path for 2 years. Al-Irshad and Ahmad Soorkati is who played a role in shaping his modern thinking. So that, after returning to Aceh, Hasbi ash-Shiddieqy directly join the membership Muhammadiyah organization.¹⁰⁶

¹⁰⁶*Ibid.*, p. 160-161

While in Aceh, intellectual work of Hasbi was not dimmed, even he is actually actively forge himself a self-taught by studying various scientific disciplines. He never even studied at leading universities abroad. But it's amazing, because of his genius and extraordinary perseverance, he was able to write more than one hundred titles of intellectual masterpiece.¹⁰⁷

Since young, besides writing, Hasbi is also active in *da'wah* activities. Fundamental themes he preached are about faith, *ihsan*, and *Islam*, in addition to describe and understand about how religious ethics is good and right. Since the self-proclaimed in his capacity as a reformer, Hasbi launched many sharp criticisms about the problem of heresy, superstition and polytheism. *Ushalli*, *talqin* deceased and the festivity of death (*kenduri*) are also part of religious practices that did not escape the attention. Therefore, the action of this propaganda, Hasbi then doesn't just get a storm of criticism from the traditionalists but also involved a fierce polemic cause of the intersection interest of ideas between them. Tengku Abdullah or well known as TB (*Timur Barat*) is a figure that is keen to make up counterproductive action on Hasbi's *da'wah*.

¹⁰⁷Tim Penulis IAIN Syarif Hidayatullah, *Ensiklopedi Islam Indonesia*, Djambatan, Jakarta, n.y, p. 853

In addition to be a da'wah activist, Hasbi is also a practitioner of education. His educational career always increases since a year ago after his participation in the 15th Indonesian Muslimin Congress (KMI) that took place in Yogyakarta on 20 to 25 of December 1949 by the Minister of Religion, KH Wahid Hasyim, he was offered to be a lecturer at the State Islamic University (PTAIN) which is planned to be established in Yogyakarta. Hasbi approved the offer; families were invited to migrate to Yogyakarta in January 1951. He not only taught in PTAIN, Hasbi also taught at the School of Religious Judge (SGHA) which later became State Islamic Judge Education (PHIN). He also finds time to teach at Madrasah Mu'allimin Muhammadiyah and Islamic Higher Secondary School whose learning process is taking place in the courtyard of mosque Kauman.¹⁰⁸

While his level of rank in the academic world also followed his career in education. It continues to climb step by step. Starting from preparation school for PTAIN lecturer, to become its director. He is believed to be administer a course of hadith, because his track record is good, and then promoted as Professor in 1960 with a speech entitled Islamic Syari'ah Answers Era Challenge. Along with the inauguration, Hasbi is

¹⁰⁸Nourouzzaman Shiddiqi, *Fiqh Indonesia...*, p. 26-27

also appointed as Dean of the faculty of Sharia. When in Darussalam Banda Aceh opens Faculty of Syari'ah which is descended at IAIN Yogyakarta, Colonel Syammun Gaharu (Iskandar Muda Regional Military Commander) and Ali Hasjmy (Governor of Aceh province) proposed that Hasbi is allowed to become dean. This double occupation is finally accepted by Hasbi since September 1960 to January 1962 after he took down his occupation in Aceh, Hasbi doubles again as Vice Rector III from 1963 to 1966.

In addition, Hasbi also taught and hold structural positions in various public and private universities. Years 1961-1971, he doubles to serve as Rector of the University al-Irsyad and Tjokroaminoto University in Surakarta. Since 1964, he taught at the Islamic University of Indonesia (UII) in Yogyakarta. In 1967 until his death, he also taught at the Islamic University of Sultan Agung (UNISSULA) Semarang. Name Hasbi also listed as a lecturer in Syari'ah Faculty IAIN Walisongo, Bandung Islamic University (UNISBA) and the Indonesian Muslim University (UMI) Ujung Pandang.¹⁰⁹

¹⁰⁹*Ibid.*, p. 28-29

2. Tafsir An-Nūr

Tafsir Al-Qur'ān Al-Majid An-Nūr was written since 1952 up to 1961, in between busy teaching, lead the Faculty, became a member of Konstituante, and other activities. His life which filled with load activities, that does not give him the opportunity to consistently follow the stages of work commonly done by professional writers.

The initiative on writing this Tafsir armed with a wealth of knowledge, passion and expectation to bring a book of Tafsir in Indonesian that not just a translation. During implementation, Hasbi dictated the manuscript to a typist and became an instant print-ready manuscript. Indeed, when he dictated the manuscript, on his desk laid a full reference books and notes on pieces of paper. That may be the cause of a repetition of information, emphasis, or purpose of verse, the description that did not integrated and footnote numbering that did not follow the methods of scientific writings in this book.

After the first publication, Hasbi also had to rectify some mistakes and a typo writing. This was because he had received some heavy criticism, about the originality of his work. Hasbi also provide comments related to the criticism.

According to the news who until told me, among there are who read / look at first glance. Tafsir an-Nur is mentioned as 100% translation of Tafsir Arabic, written by ulama. In fact, according to the sounds that came to me, this Tafsir is a translation of Tafsir al-Maraghi. Perhaps thereby was intended to reduce the reader's interest in this Tafsir. So with all humility I told that:

In preparing this Tafsir, I refer to a number of references, that the books of Tafsir who became a handbook for writers the interpretations, both tafsir bi al-ma'sūr, tafsir bi al ma'qūl, or the books Tafsir that summarizes the description of old Tafsir, especially: *'Umdatut Tafsir 'an al-Hafīz Ibn Kaṣīr*, *Tafsir al-Manār*, *Tafsir al-Qāsimy*, *Tafsir al-Marāgi*, dan *at-Tafsir al-Wādih*.¹¹⁰

In compiling the book of tafsir, Hasbi use the sources such as Qur'an verses, the Prophet history, history of *ṣahabat* and *tabi'in*, theories of knowledge, experience and opinions of the commentators. Tafsir an-Nūr have been prepared using certain systematic, that expected to be able to arouse the reader's interest, as well as make it easier to understand and get a relatively complete explanation of the Qur'an. The systematic are: 1). Mention one verse, or two verse, or three verse was spoken by God to bring a purpose after the order of manuscripts. 2). Translating the meaning of verse into Indonesian, in a way that is easy to understand, with attention to the meanings of each desired pronunciation. 3). Interpret these verses by referring to extract the starch. 4). Explaining the verses that contained in another letter,

¹¹⁰*Ibid.*, p. xv-i

or place used for the interpretation of the verse being interpreted, or which principal, so that it is easy reader collects basic the verses and the verses that it can be interpreted by the verses themselves. 5). Describe asbabun nuzul especially of the most strong sources.¹¹¹

The motivation of writing this Tafsir, Hasbi explained at the beginning of his commentary. According to him, he saw a significant growth in the number of Islamic universities in Indonesia, which raises the concern and efforts of widening Islamic culture. This was is an exciting phenomenon that must be balanced with the interpretation of the Qur'an, the Sunnah of the Prophet and other Islamic classics books with using Indonesian. In addition, also to increase the treasures of literature Tafsir al-Quran for people Indonesia. For his enthusiasm and hard work which deployed Hasbi finally succeeded in realizing a Tafsir simple, concise, and able to be an effective means to understand the Quran.¹¹²

When viewed from the aspect of methodology, Tafsir Al-Nūr compiled with use the global methods (*Ijmāli*). This conclusion is derived from how Hasbi interpretation which did not explained in detail. The pattern of the explanation is simple

¹¹¹*Ibid.*, p. xviii-ix

¹¹²*Ibid.*, p. xi

and only reveals the content of the meaning of a verse in general. Although sometimes in one or two verse found a rather detailed explanation.¹¹³ It was also submitted Hasbi in the introduction, he was about to serve a Tafsir with new faces, namely not incorporate things that did not directly related to explanation of verses. It was intended that the reader is not only taken out of the field of Tafsir, whether it's history or other scientific fields.

3. Interpretation of the Verses of Corruption Elements

a. Term *Gulūl* in Q.S. Ali 'Imran [3]: 161

Hasbi interprets this verse as a general understanding, that the Prophet was not betrayed in the affairs of the spoil of war, because Allah has protected the Prophet from such actions. All those who betray the spoils of war, they will carry it on Judgment Day later, that ugliness was witnessed by the general public. Term *Gulūl* interpreted as an act of betrayal on *Ganimah*.

Furthermore, Hasbi cited the interpretation of the commentators, which becomes the reference. That verse was taken from his native, which indeed the traitors carry the stolen stuff. They argued by various history. In that history, can we interpret, as follows: Some scholars have argued, that the traditions were explained, like tropes. Hiding the spoils of war

¹¹³Nashruddin Baidan, *Metodologi Penafsiran al-Qur'an*, Pustaka Pelajar, Yogyakarta, 1998, p. 13.

likened to carry a heavy burden on their shoulders. In the Qur'an used many meaningful resemblances to the senses, for ease of understanding.

Quoted the opinion of Abu Muslim Al-Asfihani: “What is meant by carrying or bringing is: God knows clearly. He said, any betrayal that we do, God knows, may even have hidden tightly. God will give birth to (show) what was hidden in the Day of Judgment, so that we all know. It is the same with the word of God about the circumstances Luqman.” The meaning of bring (brought) here is to know, not the bear.

Ultimately concluded, on the Day of Judgment everyone will get revenge for his charity in accordance with what he had done. They are not persecuted. This means that, God did not will punish the torment, exceeds disobedience that done. Vengeance of God conducted fairly. He said, the traitors on the spoils of war, brought hidden items, then Allah enhance his revenge. They cannot deny for fraud during still alive in the world.¹¹⁴

b. Term *Sariqah* in Q.S. al-Mā'idah [5]: 38

Term *Sariqah* interpreted by Hasbi as a general interpretation, means the act of theft of property. Hasbi explained that *Sariqah*, including the type of crime which clearly explained

¹¹⁴Teungku Muhammad Hasbi ash-Shiddieqy, Volume I, p. 451-2

by the sentence of God, which is the law of cutting off hands. But the punishment of cutting off hands still too global, there are no rules and limits. It is mentioned by Hasbi as the wisdom of the Quran.

“This verse did not specify a minimum limit of stolen property, which can be sentenced to of cutting off hands. Not explained what the penalty imposed, if a thief were to repeat his work. Does not set a minimum limit it is true according to the wisdom of the Qur'an which general, in accordance with the development of circumstances and future.”

Muhaqqiq said: “the word *sariq* and *sariqah*” implies a recidivist. The punishment cutting off hands only for thieves whom had repeatedly stole. As for the thief which has only once or twice and the offense did not become a habit, so he did not was sentenced of cutting off hands. We cut his hand after there is no way to fix it. Theft was evidenced by the recognition of the thief or the testimony of the witnesses.

Furthermore Hasbi explains the various opinions of scholars about the size of the property that was stolen, so worthy sentenced of cutting off hands. Reported from al-Ḥasan and Daud az-Zāhiri that laws of cutting off hands dropped, although that was stolen, just a little. Jumhur ulama argue, that laws of cutting off hands, imposed on the thieves which stole a quarter (1/4) dinars (1/4 mitsqal of gold), or 3 dirhams of silver. As the hadith

from Bukhari and Muslim, of Ibn Umar that the Prophet cut off the hands of thieves which stole a shield worth three dirhams. Hanafiyah found the penalty was dropped to the person which stole at least ten dirhams. Let the stolen items were stored in a place which worthy of being a stash of goods.

There are several opinions about sentencing the person which repeats the theft. At first, cut in the left hand; second, cut the left leg; third, the right hand cut. After the right foot, if stealing again imprisoned. The command in this verse addressed to the Prophet in his capacity as a judge. Thus in determining the limits of theft submitted to the judge, according places, situations and conditions.¹¹⁵ The penalty for the thief can be aborted by any pardon from the victim, and the regret of thieves. With the requirements, the theft case has not came to judge, whereas the stolen property was returned to its owner. This was as interpreted from the term *wa aṣlahā*, if the thief repents and returns the stolen property or replace, so it can be released from penalty.¹¹⁶

c. Term ***Gaṣab*** in Q.S. al-Kahfi [18]: 79

Hasbi interprets term *Gaṣab* as an act of appropriation made by the mastery of the subjects arbitrarily. In his

¹¹⁵Read Malik 41 hlm. 21, Al Bukhari 86: 13 hlm. 2512, Muslim 29: 6, Al-Bukhari 86: 13 p. 2510, Muslim 29 hadist 1-3, Muslim 29: p. 4, Ahmad VI: 60, An-Nasa'i 46:9

¹¹⁶Teungku Muhammad Hasbi ash-Shiddieqy, Volume I, p. 660-661

commentary also explained the context of the verse tells the story of Khidir and Musa. Precisely, when Musa asked for the bizarre deeds of Khidir. Why did Khidir rent a boat without money rent, even though it belonged to poor fishing boats to look for sustenance. Then in the middle of the sea Khidir pierce the boat body, until drowning. This act is an error for Musa. So Khidir replied: *“Just ahead, there is a despotic king, who seized all the boats that still intact to its interests. Then I ruined (perforate) the boat, so that the king did not ask, so it still belong to the fishing boat. Actually I was not nasty. I just do things better between the two options.”*¹¹⁷

d. Term *al-Akl bi al-Bāṭil* dan *ad-Dallaw* in Q.S. al-Baqarah [2]: 188

This verse confirms a strict prohibition on acts of *al-Akl bi al-Bāṭil*, which, an attempt to take the property of others, both individuals and legal entities, with the street which was not justified by *Syari'ah*. Hasbi interpret that God several times reminded humans of the essential possessions. The treasure there, because the way to get it done by way of mutual help between people. This verse as a warning, so that people respect and maintain property, either owned or others. If we take the property

¹¹⁷Teungku Muhammad Hasbi ash-Shiddieqy, Volume 2, p. 716

of people falsely, then we let others take the (justified) of our wealth by not properly too.¹¹⁸

Further mentioned several acts including *al-Akl bi al-Bāṭil* are:

1. *Riba*, because *riba* is eating human property with no counterweight (commensurate reward).
2. *Risywah*, kickbacks (bribes) given to judge.
3. Charity to people who are still able to look for or seek a living, to earning his living.
4. Charity to people who are still able to strive. Therefore, it is not lawful for a Muslim to accept alms, while he did not particularly need the charity.
5. Prices (sale) of amulets and incantations, in exchange of *Khataman* (recitation of the Qur'an), the reading of *Yasin* to complete an intent or to help the dead.
6. Violate the human, with depriving a rightful benefits, for example do not give wages to workers or reduce wages of reasonable provision
7. Treasures that acquired by tricking and deceiving others
8. Wages of worship, such as wages of fasting and prayer.

¹¹⁸Teungku Muhammad Hasbi ash-Shiddieqy, Volume I, p. 196

Furthermore, in terms of *ad-Dallaw*, Hasbi interpret it as *Risywah*. Which is the action for the purpose of bribing judges, to win a legal judgment. Hasbi explains: “*Do you take advantage of the judges who accept bribes from you to take most of the possessions of others with perjury and false witness, so the judge handed down a decision justify or win indictment and prosecution. In fact, you know what you are doing it is immoral acts.*” Ask for help judge, to take the property in a way that is void, are religiously forbidden. Because the judge's decision does not change the truth, and does not justify the property for *maḥkum lahu* (the person requesting the decision) who won his case. Judge's decision cannot justify something that is actually illegal.¹¹⁹

e. Term *al-Akl as-Suḥt* in Q.S. al-Māidah [5]: 42.

In this verse, Hasbi does not specifically defines term *al-Akl as-Suḥt*. however, he explains from *asbābun nuzūl*, that this verse talked about the unbelievers who have done *al-Akl as-Suḥt*. Which is the act takes property through unlawful way. Hasbi interprets as the next section in verses 62 and 63, *al-Akl as-Suḥt*

¹¹⁹*Ibid.*, p. 197

means consuming illicit goods and do something that brings the harm in the world and the hereafter.¹²⁰

They came to the Prophet to ask for justice. Then the order came down to punish according to *Syari'ah*, or reject their affairs, with the leader handed over to them. If you do not want to decide their case, then they were completely unable to exacerbate. Therefore, Allah protected the Prophet from their disorder. If the Prophet prosecutes them, then were sentenced with the justice based on the Quran. That is required by Islamic law.¹²¹

f. Term ***Khiyānat*** in Q.S. al-Anfāl [8]: 27.

This verse contains prohibitory orders betray God, by not running anything that required or reduce the legal something that has been described in His book. Also the prohibition to betray the Messengers with all orders and all prohibitions, and do not ignore the explanation because you prefer to follow your passions or desires, of teachers and leaders. *Khiyānat* are a crime that is is not worth doing by the faithful. Hasbi confirmed that *Khiyānat* including the nature of hypocrites, otherwise, execute the mandate of the nature of the believers.

¹²⁰*Ibid.*, p. 679-680

¹²¹*Ibid.*, p. 663

Furthermore Hasbi explains that, betray the mandate that was given, either in the form of property and moral, political or something secret and promise something, and are unlawful acts. Because, everyone knows the dangers, and the evils caused by treason, both in this world and in the hereafter, as you know the position of the mandate.¹²²

g. Term ***Hirabah*** dan ***Fasad*** in Q.S. al-Mā'idah [5]: 33 and 64

“There is no retribution for those who wage war against Allah and His Messenger and making the damage in the land, other than death or crucified or cut off your right hand with the left foot (right foot with the left hand) or expelled from the country.” As explained by Hasbi in the beginning interpretation of Q.S. al-Maidah [5]: 33. Hasbi interpret the term *Hirabah* as efforts to organize the chaos, eliminating the peace, against the rights of personality and holding zakat. He also explained that Abu Bakar had been fighting the Arabs who do not want to spend zakat. Allah has explained the law (*ḥad*) for murder, theft and the law takes property. The punishment for murderers carried *qīṣas*, unless excused; hand cut to theft; while for the treasure disorder sentenced to pay and indemnify. Meanwhile, the term *Fasad* in this verse is defined as actions that cause damage. This is similar

¹²²Teungku Muhammad Hasbi ash-Shiddieqy, Volume II, p. 212

to the interpretation in Q.S. al-Baqarah [2]: 205, *Fasad* means the act of constantly making damage such as damage to crops and livestock. They create damage just to satisfy his desires, even if the world will be entirely destroyed and hardship for many people.¹²³

This verse regards the blatant robbers who organize troublemakers. According to the scholars, there are three requirements to establish this law: (1). Using a weapon, (2). Located in a remote and difficult to obtain help when we are attacked by them, (3). Blatant acts. The punishment imposed on them is a death sentence or crucify them, or cut off the right foot and left hand (the left foot and right hand), or expelled from their hometown. Which one of the four would be this, God gave the right judgment. Furthermore, *Jumhūr Ulama'* argued that the death penalty imposed on those who had killed. The crucify punishment imposed on those who had killed and grab another man's treasure. The hand cut punishment imposed on those who threaten and cause a lot of fear and grab the treasure. The expelled punishment imposed on the person taking over the property. The punishment becomes disrepute which imposed

¹²³Teungku Muhammad Hasbi ash-Shiddieqy, Volume I, p. 216-7

upon them to be a lesson for the public. They have mighty punishment in the hereafter.¹²⁴

E. The Interpretation on Corruption according to Buya Hamka

1. Biography

Haji Abdul Malik Abdul Karim Amrullah, or more popularly known by his abbreviated name Hamka, was born in Maninjau, West Sumatra on February 16, 1908 M, and died in Jakarta on July 24, 1981.¹²⁵ As a child, he was called Abdul Malik, though Hamka was born and grew up in the midst of a religious family, but he was personally 'rebel'.¹²⁶ His father, grandfather and great-grandfather were all scholars who devoted their life to the reform of Muslim religious thought and practice. While his mother was Siti Safiah binti Bagindo Nan Batuah, while still young, well-known as a teacher of dance, singing and martial halibut.¹²⁷

¹²⁴*Ibid.*, p. 656-657

¹²⁵Rusydi, *Pribadi dan Martabat Buya Prof. Dr. Hamka*, Pustaka Panjimas, Jakarta, 1983, p. 44

¹²⁶Hamka, *Kenang-kenangan Hidup I*, Bulan Bintang, Jakarta, 1974, p. 8-9.

¹²⁷Nasir Tamara, et. al. (editor), *Hamka di Mata Hati Umat*, Sinar Harapan, Jakarta, 1996, p. 51

Hamka's father, Haji Abdul Karim Amrullah, was a reformer in west Sumatra¹²⁸, who, along with three other Muslim scholars, namely, Taher Djalaluddin, Muhammad Djamil Djambek, and Haji Abdullah Ahmad urged Muslims to base their religious judgements on the primary sources, ie, the Qur'an and Hadis, and to seek the truth through the use of *'aql* (reason). They condemned *taqlīd* (an unquestioning adoption of legal decisions made by the predecessors), the heterodoxy of sufism, and *bid'ah* (refused unauthorized innovations) in religious practices. Their movement was well organized and disseminated its ideas through issuing numerous publications, establishing new schools, holding public debates and public religious lectures. Moreover, the movement addressed people from all walks of life.¹²⁹

Based on Abduh's ideas, Karim Amrullah and his associates launched their reform in the first half of the twentieth century.¹³⁰ But their movement was opposed by *Kaum Tua* and

¹²⁸Before Amrullah and friends launched their movement, there was another religious movement in Minangkabau in 1821-1838 which was known as the *Padri* movement. The latter was led by three famous *hajis* who returned to Minangkabau from Mecca probably in 1803. They are: Haji Sumanik, Haji Miskin and Haji Piobang were much influenced by Wahabi ideas. Their actions were directed towards a reformation of Islam. M. Yunan Yusuf, *Corak Pemikiran Kalam Tafsir al-Azhar*, Penamadani, Jakarta, 2003, p. 23-25

¹²⁹Azyumardi Azra, *Jaringan Ulama Timur Tengah dan Kepulauan Nusantara Abad XVII dan XVIII, Melacak Akar-akar Pembaruan Pemikiran Islam di Indonesia*, Mizan, Bandung, 1998, p. 18

¹³⁰Ahmad N. Amir, Abdi O Shuriye, and Jamal I. Daoud, *Muhammad Abduh's influence in Shoutheast Asia*, Middle-East Journal of Scientific Research 13, International Islamic University Malaysia, 2013, p. 124-138.

Kaum Adat, because the latter were afraid that the *Kaum Muda* movement would eliminate their influence and dignity in society. In order to defend the status quo, *Kaum Tua* and *Kaum Adat* attacked their opponents by labelling them a group of Wahhabi and Khawarij. The reformists were even accused of being *kafir*, because they wore pants, coats and ties like the Dutch. Among social background that full disputation between *Kaum Tua*, *Kaum Adat*, and *Kaum Muda*, Hamka grew and learned areligious lesson. This case will influence more Hamka's attitude and decision into the future.¹³¹

Having imbibed the spirit of reform and been brought up in its midst, Hamka's father expected Hamka to be a good Muslim scholar, who would continue purifying Islamic teachings of contemporary social heresies.¹³² While, in his childhood, Hamka was taught to recite the Qur'an at home. Then, at the age of seven, he was sent to a public school in the morning and a religious school (*diniyah*) in the afternoon. At night he met with his friends in the *surau*.¹³³ At 1918 *surau* Jembatan Besi, where his father taught some religious lesson, was changed into religious public school (*Thawalib School*), so that Hamka transfer

¹³¹Azyumardi Azra, *Historiografi Islam Kontemporer*, Gramedia, Jakarta, 2002, p. 290

¹³²Haji Abdul Karim Amrullah hope his son would dedicate himself to modernizing religious thought. Hamka, *Kenang-Kenangan Hidup*, Bulan Bintang, Jakarta, 1990, p. 27

¹³³*Ibid.*, p. 28

to study there in the morning. However in *Thawalib School*, Hamka feel sick and tired, because he must to memorize many lesson, until he bored and often playing truant, but he still indicate more achievement.¹³⁴

The one thing that helped Hamka break the routine of his study activities was going to a bookstore and reading books and novels there. However, his father saw him once reading novel and was infuriated because he thought that novel were worthless and had no relation to religious teachings. Not surprisingly, Hamka later declared that he had an unhappy childhood.¹³⁵ Furthermore, as a teenager, at 1923, he encountered more conflicts which were to influence his thought permanently. A case in point, was the custom of polygamy, which had been practised by all including kings and scholars. He disagreed with this custom and was grieved and disappointed when his father divorced his mother. In accordance with the custom of polygamy, Hamka's father had eleven wives¹³⁶, not surprisingly, that Hamka opposed this local wisdom.¹³⁷

¹³⁴In *Thawalib School*, Hamka must be memorizing some books, for example *Matan Taqrib*, *Matan Bina*, dan *Fath al-Qarib*. *Ibid.*, p. 58

¹³⁵*Ibid.*, p. 62-63

¹³⁶Hamka, *Ayahku: Riwayat Hidup Dr. H. Abdul Karim Amrullah dan Perjuangan Kaum Agama di Sumatera*, Yayasan Uminda, Jakarta, 1982, p. 263

¹³⁷M. Yunan Yusuf, *Corak Pemikiran Kalam Tafsir al-Azhar*, Penamadani, Jakarta, 2003, p. 42

Then at the 16 of age, at 1924, Hamka decided to travel outside West Sumatra in search of more experience. His first destination was Java because he had heard that many prominent scholars there were spreading their ideas on community development through education. Moreover, they were fighting customs contrary to Islamic teachings, propagating the importance of independence, and introducing the thought of Muslim reformists such as Muhammad 'Abduh and Muhammad Rasyid Rida. He visited Yogyakarta, because assistance of his brother, Hamka had the opportunity to follow some courses that held by Muhammadiyah and Syarikat Islam Organizations.¹³⁸ Then Hamka also had the opportunity to come into contact with such scholars as H.O.S. Tjokroaminoto and Ki Bagus Hadikusumo. Hamka stayed in Java for one year and later maintained that his first visit to Java had inspired in him a love for the pursuit of Islamic knowledge.¹³⁹

In 1927, Hamka on its own initiative went to Mecca. At least there are several of reasons, such as: 1) the main reason is the pilgrimage to Mecca, in addition, it also wanted to test the independent living among people and foreign cultures, 2) learn from the prominent Shaikh in Makkah, 3) preaching in the middle of Indonesian scholars in the city of Mecca. In addition, Hamka

¹³⁸*Ibid.*, p. 40-41

¹³⁹Hamka, *Kenang-Kenangan Hidup...*, p. 101

also worked in the company of Sheikh Hamid bin Majid Kurds, in his spare time, spent reading Arabic books of all genres, started from religion to literature. After coming back from Mecca, on 5 April 1929, Hamka was 21 years old, married to Siti Raham Endah binti Sutan who was 15 years old.¹⁴⁰ Although, Hamka does not study, but he diligently read, Hamka capable of self-taught. It becomes a privilege, almost every day Hamka always reading, started from ulama's works of the Middle East to the philosophers of the West. Ability to absorb a lot of references from various sources of knowledge and insight made him rich, so that his lectures and writing become pithy and profound.¹⁴¹

Hamka became involved in the Muhammadiyah organization and was elected in 1934 as a member of its Council for central Sumatra. While, his involvement in religious affairs was not limited to West Sumatra but extended to neighbouring islands, as he was sent by the Muhammadiyah to neighbouring regions to sound the trumpet of reform. Moreover, Hamka had displayed from the outset on independence and originality of thought that refused to be blindly tied to the thought of any organization. Hence, he often voiced his opinion concerning contemporary issues without waiting for official statements from

¹⁴⁰Rusydi Hamka, *Pribadi dan Martabat*, p. 3

¹⁴¹Mohammad Damani, *Tasawuf Positif dalam Pemikiran Hamka*, Fajar Pustaka, Yogyakarta, 2000, p. 48-49

Muhammadiyah.¹⁴² Hamka also take action in the contemporary political arena and it will be the business of this thesis to highlight salient points in Hamka's political career. Moreover, not only in the field of practical politics but also in his leadership of organization, this contributed to state policy.

It is to his credit that Hamka's political career was marked by the consistency of his opinions and his steadfast representation of the *ummah* (Muslim community), not the promotion of his personal interests. Although his political role was not as significant as that Soekarno, Muhammad Hatta, and Muhammad Natsir, this does not mean that he had no role in politics at all. He was a seasoned politician who had been introduced to the field by such magnates as Tjokroaminoto, as the prominent leader of Syarikat Islam, and Ki Bagus hadikusumo, who the leader of the Muhammadiyah. Moreover Hamka was involved in the Masjumi Party, through which he was appointed as a member of the Constituent Assembly.¹⁴³

Through his attitude in politics one can derive significant insight into the extent to which he attempted to voice the interests

¹⁴²A case in point, is his opposition of Permi's ideas which added nationalism to Islam. Hamka criticized Permi's slogan 'Islam and Nationalism' and emphasized that Islam was already perfect, and did not need the prop of nationalism added to it. M. Yunan Yusuf, *Corak Pemikiran Kalam....*, p. 51

¹⁴³Rusydi Hamka, *Pribadi dan Martabat Buya Prof. Dr. Hamka.....*, p. 41-45

of *ummah*. At this time, Hamka also worked together with other scholar, supported by army generals such as Abdul Harris Nasution and Sudirman, in opposing the Communist intervention in state affairs. Their center activities at the *Al-Azhar* Grand Mosque in Kebayoran Jakarta. When he was a member of the Constituent Assembly, after the first General Election of 1955, the policy of the government was not as democratic as the spirit of 1945 constitution had been. The government applied a system, that they called “*Demokrasi Terpimpin*” (Guided Democracy).¹⁴⁴ He felt that this system was contrary to real democracy since Soekarno as president, tried to concentrate power in his own hands. Hamka criticized this unlawful action and branded ‘Guided Democracy’ as nothing but straight path to dictatorship.¹⁴⁵ He boldly stated his ideas for the benefit of the *ummah* because he was sure that it was his responsibility as the representative of the people to do so, even though he knew he could face some risks because of his opposition. As a consequence, Hamka was suspected by Soekarno of dissension and was later sent to jail. While Hamka was imprisoned, he got more blessing to finish his great opus, *Tafsir Al-Azhar*.¹⁴⁶

¹⁴⁴Azyumardi Azra, *Historiografi Islam*...., p. 271

¹⁴⁵*Ibid.*, p. 271

¹⁴⁶*Ibid.*, p. 272

After Another proof of Hamka's credibility in politics was his role in founding *Majelis Ulama Indonesia* (MUI), followed by his resignation from his position in 1981 due to a disagreement with the government concerning the ritual of the Christmas ceremony. Hamka held that, according to Islamic law, it was forbidden for Muslims to take part in the ritual ceremony of Christmas day. His statement drew a strong reaction from the government and pressure was put on him to withdraw it in the interest of harmony among Indonesians. But Hamka refused to rescind it and subsequently decided to resign his position. Similarly, Hamka envisaged a more pragmatic role for the Indonesian 'ulamas (Muslim Scholars). He persuaded the religious leaders to actively participate in developing their nascent republic and saw such participation as a religious duty imposed upon them by God. If a government's policy is good, the ulama' should support it. But, if it is bad, they are duty bound to correct it. He did not agree that the ulama' should be puppets in the hands of the government. He said: "It used to happen that the ulama' would be brought together by the authorities... for informal talks with high officials. At the end of the meeting they would be sent home by air.. the ulama' continued to be discontented if in spite of this official approach, social evil continued to flourish. In the end, they arrived at the conclusion that those social gatherings were no more than a show to impress

the common people that the authorities do indeed respect religion.”¹⁴⁷

2. Tafsir Al-Azhar

Among all Hamka's works¹⁴⁸, *Tafsir Al-Azhar* will be discussed in great detail in this thesis. The name of this *tafsir* was derived from the name of the grand mosque of *al-Azhar* in Kebayoran Jakarta, which was also the headquarters of Hamka's

¹⁴⁷Hamka, *Partisipasi Ulama dan Pembangunan*, Panji Masyarakat 154, 1974, p. 2

¹⁴⁸The publication of no less than 113 books in the areas of literature and religion not only indicate that Hamka was an extremely prolific author, but also that his thought was not confined to a particular field. Hamka's work in religion and philosophy field, such as: *Khatib al-Ummah* (1925), *Kepentingan Melakukan Tabligh* (1929), *Ringkasan Tarikh Umat Islam* (1929), *Sejarah Sayyidina Abu Bakar Shiddiq* (1929), *Adat Minangkabau dan Agama Islam* (1929), *Agama dan Perempuan* (1929), *Pembela Islam* (1930), *Arkan al-Islam* (1932), *Tasawuf Modern* (1939), *Falsafah Hidup* (1939), *Lembaga Hidup* (1940), *Terusir* (1940), *Cermin Kehidupan* (1940), *Angkatan Baru* (1940), *Sejarah Islam di Sumatera* (1943), *Negara Islam* (1946), *Revolusi Agama* (1946), *Pidato Peristiwa Tiga Maret* (1947), *Cemburu (Ghirah)* (1949), *Urat Tunggang Pancasila* (1949), *Ayahku* (1950), *Mandi Cahaya di Tanah Suci* (1950), *Mengembara di Lembah Nil* (1950), *Kenang-Kenangan Hidup* (1952), *Sejarah Umat Islam, 4 Jilid* (1938-1955), *1001 Soal Hidup* (1950), *Perkembangan Tasawuf dari Abad ke Abad* (1952), *Bohong di Dunia* (1952), *Lembaga Nikmat* (1953), *Pelajaran Agama Islam* (1956), *Pandangan Hidup Muslim* (1960), *Ekspansi Ideologi Islam* (1963), *Dari Perbendaharaan Lama* (1963), *Tafsir al-Azhar, 30 Juz* (1964-1966), *Islam dan Kebatinan* (1972), *Mengembalikan Tasawuf ke Pangkalnya* (1973), *Doa-Doa Rasulullah* (1974), *Muhammadiyah di Minangkabau* (1975), *Prinsip dan Kebijaksanaan Dakwah Islam* (1982), Then Hamka's work in literature, such as: *Si Sabariah* (1929), *Laila Majnun* (1932), *Di Dalam Lembah Kehidupan* (1933), *Mati Mengandung Malu* (1934), *Di Bawah Lindungan Ka'bah* (1936), *Tenggelamnya Kapal Van Der Wick* (1937), *Karena Fitnah* (1938), *Tuan Direktur* (1938), *Dijemput Mamaknya* (1939), *Keadilan Ilahi* (1939), *Merantau ke Deli* (1939), *Di Lembah Cita-cita* (1946). See Tim Redaksi, *Kenang-Kenangan 70 Tahun Buya Hamka*, Pustaka Panjimas, Jakarta, 1987, p. 286-288

da'wah activities, and the administrative centre for the publication of his magazine *Panji Masyarakat*. His commentary was written while he was in prison from 1964 to 1966 during the 'Quided Democracy' era (1959 to 1965) of Indonesian history, when the government followed leftist policies and Communists exercised considerable influence. Several parts of this commentary had been delivered earlier during Hamka's morning sermons in the mosque, and were later printed in the magazine *Panji Masyarakat*. The declared purpose of Hamka's interpretation of the Qur'an was to motivate Muslim youths and Islamic propagators toward a better understanding of the teachings of the Qur'an.¹⁴⁹

Hamka in several chapters of his commentary sometimes mentions that place at the time wrote his commentary. Such as, when interpreting chapters 4, 13, 14, 15, 16, 17, and 19, Hamka was in the Rawamangun Hospital. While the chapter 20, written in Sukabumi; chapters 21, 22, 23, 24, and half of the 25 chapters in Bungalow Harjuna; while half chapters 25, 27, 28, 29, interpreted in the Bungalow Megamendung. But in chapters 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 26 and 30, there is no description of the writing. The first publication of *Tafsir al-Azhar* who complete thirty chapters published by three publishers at once. Pembimbing

¹⁴⁹Hamka, *Tafsir al-Azhar*, Vol. I, Pustaka Panjimas, Jakarta, 1982, p. 4-8

Masa Publisher published of chapters I to IV. Then chapters V to XIV chapters published by Yayasan Nurul Islam Jakarta. And lastly, Pustaka Islam Surabaya Publisher published chapters XV to juz XXX. Then, the last publication of Tafsir al-Azhar, from chapters I through XXX juz, published by the Pustaka Panjimas Jakarta publisher.¹⁵⁰

The interpretation given by Hamka seemed to touch the conscience, so that people will be aware of his weaknesses. Moreover, in his commentary, Hamka uses a beautiful composition language and easy to understand, so that both readers and listeners do not feel bored to follow. Hamka interpret the verses of the Qur'an complete 30 chapters, according to the order of the Manuscripts' Usmani. Based on this description, *Tafsir al-Azhar* were prepared using *Tahlili* methods, the form of interpretation more use *al-ra'yu*, and patterned by *Adabi ijtima'i*. *Adabi ijtima'i* is an interpretation that is much more direct attention to explain the social problems and functioning of the Qur'an as a book of instructions to give a boost to the Muslims to restore their nobility with the teachings of the Qur'an, in order the *ummah* get closer to God.¹⁵¹

¹⁵⁰M. Yunan Yusuf, *Corak Pemikiran Kalam....*, p. 55

¹⁵¹Nashruddin Baidan, *Metodologi Penafsiran al-Qur'an*, Pustaka Pelajar, Yogyakarta, 1998, p. 13, p. 138

In addition, many scholars consider this commentary significant because it, Hamka drew from his broad knowledge to support and elucidate his ideas, and because he sometimes included the opinions of other scholars. It was only at the end that he offered his opinion after clear explanation and argument. The thought of numerous prominent exegetes, such as Sunni or Syi'ah is portrayed in *Tafsir al-Azhar*. They are, the Sunni, Muhammad Abduh, Muhammad Rasyid Ridha, Sayyid Qutb, as well as Ṭabāṭabā'ī as the Syi'ah scholar. Hamka tends to present certain ideas in order to introduce the readers to moderate way of interpreting the scripture. Moreover he tries to emphasize that Muslims must not be restricted to one school of thought; they should be able to review the ideas offered by various scholars, and then be free to form their own opinions.¹⁵²

3. Interpretation of the Verses of Corruption Elements

a. Term *Gulūl* in Q.S. Ali 'Imran [3]: 161

Hamka be the first commentator who writes the title of 'corruption' in his interpretation of this verse. Term *Gulūl* etymologically means cheating. The word is taken from the Arabic wordings: *Galla-Yagullu-Gallan*, ie someone pick up something and then enter the hidden into the collection of other

¹⁵²*Ibid.*, p. 137

stuff. In the context of the verse, this word means the attempt to take *Ganīmah* (spoils) before divided equally by the head of the war, had already been hidden as his property. This action is the same as stealing. Hamka asserted, though hidden treasures first it will be a part of it. But the rule states that all *Ganīmah* should be collected in the *Bait al-Māl*, until then be shared equitably. Then the person who acts *Gulūl* was seen as a betrayal.¹⁵³

Furthermore the *asbābun nuzūl* of this verse, as well as the history that has been described by Nawawi in his *Tafsir Marāḥ Labīd*. But there is an additional narration of Ibn Jarīr delivered from aḍ-Ḍihāk, that the Prophet sent some spies to an enemy area. Then the area was fought and defeated, so the spoils were divided. But the spies was not present when the the spoils was divided. Then between them gossip, that they will have no part. Then after they came, apparently parts are provided. Then this verse came rebuked those bad rumors and stating, that the Prophet was not going to cheat with the distribution of the spoils and would occasionally not be hide something for its own interest.¹⁵⁴

Furthermore, Hamka concludes his interpretation, contextually, that the lesson of this verse is: “If we get a chance to

¹⁵³Hamka, *Tafsir al-Azhar*, Vol. IV, Pustaka Panjimas, Jakarta, 1992, p. 160-161

¹⁵⁴*Ibid.*, p. 162

occupy the post of noble, like the position of the Prophet at the time, who became head of the war and head of government, that if any state property, do not be cheated. And do not corrupt the state treasure.”¹⁵⁵ Because *Gulūl* give thief, in the Hereafter, will bring his *Gulūl*'s proceeds, as a witness to his sentence. Then, Hamka assumes *Gulūl*'s problem in the context of the problems in Indonesia. as follows:

“We suppose that the act of corruption is still rampant in the country. Since the head of state to the ministers, high officials have been infected by corruption fraud. Thus, those in power will live in luxury, and accumulate wealth from the spoils of state, for its own interest, while many people starved to death; his body was thin-dried. They have been squeezed by a wide variety of taxes, but they do not feel the pleasure of living in the slightest. Salaries of the small employees, just enough for a meal four days a month, so they are forced by circumstances to do corruption anyway. They went to the office late because hungry, and then profiteer outside. And they were late home, because entry into the market first seek to be eaten, they are in the office are not working fully. They have corrupted the time, as a result of definite, the superiors of corruption, the country grew longer increased destroyed. Then in verse which we interpret this lies the certainty, that one day all the corruption it will be calculated and assessed again at the last day. No one will be persecuted. All corruption is wrong, but the causes of the emergence

¹⁵⁵*Ibid.*, p. 163

of any errors will be included in the consideration, so that there is a law which imposed heavy and light.”¹⁵⁶

b. Term *Sariqah* in Q.S. al-Maidah [5]:38

Hamka interprets *Sariqah*, as the crime of theft. At the beginning of interpretation, Hamka describes the two principles of moral pressure, which is determined by God. (1) Recommendations to improve their own lives by increasing piety, seeking ways to God approves, live well, do good, and trying to find treasures halal. (2) The threat of punishment for those who can not control his soul again. The second principle asserted punishment of hand amputation for thieves. Because the hand did the crime. Hamka, took quoting from Imam Syafi'i that outlining dose stolen property, so the punishment is hand cut by ¼ dinars, or the equivalent of 3 dirhams. The penalty imposed as a frightening warning from God. So that people that will steal, will think first before stealing, because during his life he will bring a sign (hands cut) to the masses.¹⁵⁷

The characteristic of Hamka's commentary is, giving example of cases, adapted to the context of the current era. As lessons learned from this verse in the context of Indonesia, where Hamka commented cut penalty, as below:

¹⁵⁶Hamka, *loc. cit.*

¹⁵⁷Hamka, *Tafsir al-Azhār...*, Juz IV, p. 243-244

“If seen, the penalty of hand amputation becomes extremely violent. But if you think about it carefully, in order to create the security in society, the penalty is not cruel. The actions of the thief on the community, could multiply cruel. In the big cities, even in Jakarta itself, in Cairo, and New Delhi, increasingly felt how cruel, the theft case against the society. If they are caught, they have to know that they will be punished so many months: “replace a break!” They said. That is why many thieves who subscribe to the prison houses. So, because they never got a cruel, the theft no longer be stolen secretly, turns into a robbery with overtly way. The thieves alone has climbed to a thief by holding the syndicates and when pressed for having the courage to kill their victims.”

“In the United States, a country famous and highly developed, the thieves already have a very strong organization, which had dared to rob a bank. While in England, thieves robbed trains, which bring millions of pounds. And robbers in the United States known as gangsters. It started from small thieves who just left or just given a lighter sentence. Cruelty so much more powerful than if not ever cut the hand of the thief. Islam though also recognizes the judge's decision. That is, not all thieves are caught, continued to his hands chopped off, but the judges must convene *ijtihad* before imposing sanctions.”¹⁵⁸

Then, Hamka concludes if the punishment of hand amputation is not cruel and archaic. Punishment of hand amputation is still very relevant applied up to now, to give warning to the thief and would-be thieves. Not surprisingly, when a theft case in Indonesia remain stable, because the penalties were

¹⁵⁸*Ibid.*, p. 245

not deter the perpetrators. In the interpretation of this verse Hamka talks a lot about the principles of law. Basically, the law of God on the side as a warning for the perpetrator, also pay attention to the people who become victims. So in this verse, we may see that in addition to explaining the penalties for vandals State, also interspersed with a warning to every person to be cautious, looking for a way to approach God and jihad against the passions, so that people do not destroy society. At the end of the interpretation concluded that the punishment that comes from God is Just and Wise.

“Law is of God, he who determines the law fairly, for peace vandals, destroyers public relations. In this case God not recognize pity, because the thief did not recognize pity also, to people who have been abused. But God is Most Wise, because God commands everyone looking for a property by lawful means. And the judge, the Lord decreed, let sentenced to imitate God's wisdom anyway. Therefore, Umar ever repeal the law of cut the hands, that was originally will be rendered to some people who are paid to bring some camels by a merchant from one country to another. The camels are there which they have stolen. After inspection, it turns out that the salary was not paid what it should be by the boss. So, it's not the one who cut the hands, but the owner of the camel that must be punished, because he does not give salary.”¹⁵⁹

c. Term ***Gaşab*** in Q.S. al-Kahfi [18]: 79

¹⁵⁹*Ibid.*, p. 246

Hamka interprets this verse according to the context of the story of Musa and Khiḍir. At that time Musa was following Khiḍir's journey as teacher. Khiḍir borrows a boat that owned by poor fishermen. The boat is a source of livelihood for fishing, in order to fulfill their daily food needs. However, on the way Khiḍir accidentally leaked the boat body, so it becomes a rickety boat in the middle of the ocean waves. Khiḍir do these irregularities, with the reason, because it is across the ocean, there is a despotic king. King often patrols to search for boats that sailing and in good condition, if there is a boat that will come confiscated, retrieved it, and mastered by force. People who become victims could not do anything about it. Thus, Khiḍir divulge the boat, so that the king would not take a poor fishermen's boat. Instead, the fishermen can fix it again, to earn a living. The term *Gaşab* in this paragraph, interpreted by Hamka, as an attempt of a king who likes to seize, take, and master the wealth or the property of the people by force. Thus, these people do not have the power to fight the arbitrary actions of the unjust king.

d. Term *al-Akl bi al -Bāṭil* dan *ad-Dallaw* in Q.S. al-Baqarah [2]: 188

Hamka describes, that your friend's property is also your treasure. If you persecuting his property, the same as you persecuting its own wealth. Hamka interpret *al-Akl bi al-Bāṭil*, as

the action takes property with the wrong path, not in accordance with the way they should and correct. Hamka describes acts that include *Bātil*, as follows:

“All kinds of fraud, deceit, forgery billboards, and advertisements fraud; in order to entry gain. Publish obscene books, and disseminate images of naked women, generating lust; that if asked, then that makes it easy to just say: “Find eating”. Or colporteur, looking for a buyer of goods by showing examples of good and high quality, but after the approval of the price and the item is received, it turns out there are below the quality of the sample. Or speculation on vital goods in society is like rice, which is being held in the warehouse for a long time, because they expect the price to rise, even though the community has been very hungry. Or providing fraudulent weighing device, another buyer with the seller.”¹⁶⁰

The most vicious of *Bātil* is *ad-Dallaw*. Which the activity is to takes another man’s treasure through the help of the judge. As interpreted by Hamka belows:

“More virulent again takes property, if it had to bring forward a judge. Sometimes, there arose a debate in front of judges. He said wanted to find a resolution, whereas, the relationship between the accuser to the accused has been murky, resentment has arisen, try to finish even grow tangled. People bring his case in front of a judge, sometimes both parties use bribes, to defeat opponents. Thus, taking other’s property with the sin. Such cases often we find in the case of family chaos. In

¹⁶⁰Hamka, *Tafsir al-Azhār...*, Juz II, p. 155-6

Minangkabau often orphans, was indicted by his uncle in the face of the judge. It is said that the treasures of the dead are now in the hands of the child, not a living treasure, but inheritance. The accuser said, even though he has got his own living treasure, but the nephew is entitled to treasure it, because when he would leave the former homeland, which gives him capital is the nephew and brothers of women. Because of that he grew up with treasures.”¹⁶¹

“In the land of Batak and Mandailaing, sister of the dead man, also demanded the wife of the dead man. Because in today's social life, the dead have migrated with his wife to leave his hometown and has received sustenance and livelihood assets. However, because the custom of Batak and Mandailing woman after marriage belongs to the husband's family, so that her late husband's possessions handed, even be with her once, into the power of the clan family man. It was brought to the case before a judge. They understand the division of *farāid* according to Islam. However, due to the properties greedy, they deny religious rules that they have embraced, to return to the bad custom.”¹⁶²

f. Term *al-Akl as-Suht* in Q.S. al-Māidah [5]: 42.

Hamka interprets the term *al-Akl as-Suht*, as quoted from Tafsir Ibnu Mas'ūd and Ibn Abbas , which means bribes, kickbacks. The origin means of *as-Suht* is pressed to death. This term is defined to be a “bribe”. As described by Hamka: “Because if you have fed their mouths closed die, do not say anymore, thus,

¹⁶¹*Ibid.*, p. 157

¹⁶²*Ibid.*, p. 158

“death talk”. They no longer dared to admonish the wrong and uphold justice.” This verse talks about the Jews, as the offenders of *al-Akl as-Suht*, who is seeking punishment of the Prophet.

“They came to the Prophet asking for the law, however, was not due happy to accept the law, but rather, due they expect the law of Muhammad, was not as heavy as the law of their holy books. “So that, if they come to you,” asked the law. “Punish them or turn away from them.” That's up to you, O Messenger of God, to accept or reject their request, about the punishment. If you are looking at is useless and will be obeyed, receive and give punishment. But if you view only a joke of them, you may as well turn around and you do not care about his request; “And if you turn away from them, they are not harmful to you.” That is if you do not ignore their request, they will not do anything to you, because, the power is in your hands. “If you punish, then punish them fairly.” So, if in the opinion, their request should be granted, then, grant and throw it with fair laws, by not choosing fur, upright in the truth, to be an example for them about how to administer justice.”¹⁶³

g. Term *Hirabah* dan *Fasad* in Q.S. al-Māidah [5]: 33 and 64

At the beginning of interpretation, Hamka explain the scholars disagreement about *asbābun nuzūl* of this verse. Hamka submitted another report that is:

¹⁶³Hamka, *Tafsir al-Azhār...*, Juz VI, p. 251-252

"Imam Ahmad, Bukhari, Muslim, and Ashhabus Sunan narrated from Anas ibn Malik, there are two of the tribal namely Ukal and 'Urainah, came to Madinah to meet the Prophet and asked for information about Islam and then converted to Islam. But they are very restless in the Madinah city. Because, they said the weather of Madinah is not in accordance with their bodies. Then the Prophet lend some camels, the milk should be wrung and drink. They go out from Madinah, but when it got out of town, in a place called Harrah they defected. They claim to be unbelievers and out of Islam. They kill the camel herders, while the camels were plundered. Hear the outrageous crimes, the Prophet sent a patrol for pursuing them, until they are caught. With his wrath, the patrol team cut their hands, and their eyes poked with a hot iron, and they leave these people to die on the field Harrah."¹⁶⁴

Term *Hirabah* interpreted as an effort to fight against God and the Prophet, it means opposed the will of God and the Prophet with the attitude of deliberate actions. Originally meaning of *Hirabah* is an act of hostility. Behold, those who wage war against Allah and His Messenger, no other penalties must be received, exception of four penalties, which is very heavy, which will be conducted by the decision of the *Imam* (head of state) or the judge.¹⁶⁵

“But if we are opposed a group of people that using guns, also used the word *qital* or murder. But if you take up arms, not because of legitimate warfare, for example rob together with fighting againts Allah and His Prophet.

¹⁶⁴Hamka, *Tafsir al-Azhār...*, Juz VI, p. 223-234

¹⁶⁵*Ibid.*, p. 235

Because the victims were not the enemy, but the people feel safe to live under the protection of the rules of God and Messengers. Thus, the hordes of expropriators, raiders, and robbers are very disturbing the public order. Their attitude is not at war with the people that they robbed, because there are no causes that allow these people were fought. So, this robbery is really only because they wanted to seize property, if necessary, to kill people, as was done by the Bani Ukal and Bani 'Urainah to the camel herders.”¹⁶⁶

Meanwhile, *Fasad* means the act of making the damage and mischief on the earth. Make violence or chaos on earth. Thus, there is no security and order, there is no more a guarantee of security life, property, or self respect of women. According to ‘Abd bin Humaid and Ibn Jarir from Mujahid, *Fasad* which means damage or violence including rampant of zina, theft, murder, destruction of fields, there had been a respectively punishment.¹⁶⁷

“They have done two big violations, which are interrelated. First, they have been fight againts Allah and His Prophet, because of God's rule has been violated. From there, becoming the second crime, which is seeking damages in the earth. The first crime, fight againts Allah and His Prophet, that means they are against the syari'at of God; God wants security, but they do destruction.”¹⁶⁸

¹⁶⁶*Ibid.*, p. 236

¹⁶⁷*Ibid.*, p. 237

¹⁶⁸Hamka, *loc. cit.*

Hamka explains that in the context of this verse, *Hirabah* and *Fasad* are two types of crimes are sustainable into great evil, which caused catastrophic damage on the earth. If we judging its effects, both as a crime of corruption. Furthermore, the punishment that given to the perpetrator of this crime, Hamka quotes the opinion of *Jumhur 'Ulama*:¹⁶⁹

1. The death penalty, with a great and dignified manner, based on the hadith. Let that do kill it as well as possible, fast and accurate. Usually a train law using a sharp sword in front of many people
2. The cross penalty, which is made joist, then raised him to the joist, and left there to die. Or killed after a few days he hung, the intention is to that he witnessed by many people.
3. The cut hands and legs penalty. If the right hand is cut, let the feet are cut on the left, and the opposite. This person may be allowed to live with missing arms and legs either side. Therefore for this punishment, the doctors suggested that cut wounds soaked with the hot oil, so that the blood does not run out, causing death.

¹⁶⁹*Ibid.*, p. 229-230

4. The alienated punishment, from the country and never to return. It is the lightest of law, because the smaller mistakes. Imam Hanafi added dumped in another country while imprisoned.