

CHAPTER IV

ANALYSIS

The development of Qur'anic interpretation in Indonesia started since the establishment of Islam in the Nusantara peninsula which is also evolutionary.¹ The historiography of Qur'anic studies in Indonesia began from the found of the kingdom of Pasai in Aceh. At that time, many scholars who founded the mosque, as the simple recitation place of the Qur'an, as the beginning of the introduction of Islam. Over time appear good people in the religion of Islam who can be called *Ulama*, in the 16th century arise the publication of *Surah al-Kahfi* commentaries, with unknown author. A century later, published *Tarjuman al-Mustafid* a 30-chapter commentaries, written by 'Abd al-Ra'uf al-Sinkili (1615-1693 AD). Two centuries later emerging 30-chapter commentaries written by Muhammad Nawawi al-Jawi al-Bantani (1813-1879), namely *Tafsir Marah Labid*. In the 20th century, there are many kinds of

¹Malay-Indonesian archipelago becomes regions which is full of islamisation with peaceful process. This means that public acceptance of Islam carried out in stages, called '*adhesion*'. Namely conversion into Islam without leaving the old religious beliefs and practices. Most of the preachers of Islam in the Malay-Indonesian islands, such as Wali Songo in Java, did not introduce Islam to the local residents in the form of prophetic exclusivity, but rather in the form of flexibility which still a compromises with local beliefs that have been established - many colored with superstition or animistic belief. See Azyumardi Azra, *Islam Nusantara: Jaringan Global dan Lokal*, Penerbit Mizan, 2002, p. 20-1

interpretation literature of 30-chapter commentaries preceded by *an-Nur*, The work of Tengku Muhammad Hasbi ash-Shiddieqy (1904-1975) to *Tafsir al-Azhar*, work of Haji Abdul Malik ibn Abdul Karim Amrullah (1908-1981) and others.²

The evolution of Qur'anic interpretation in Indonesia in 19th and 20th centuries becomes a gateway for Indonesian Muslim intellectual. Commentaries of Syaikh Muhammad Nawawi become a common thread that links the previous commentaries Indonesian scholars in the 17th and 18th centuries, as well as closing commentary work belonging to the classical phase, which still maintains to be based on commentaries by *Salaf* scholars.³ While *Tafsir an-Nūr* and *Tafsir al-Azhar* including works by modern commentators, as charged ideology of Islamic reform in Indonesia, is much affected by *Tafsir al-Manār*, by Muhammad 'Abduh (1849-1905) and Muhammad Rashid Rida (1864-1935).⁴ Thus, all of three interpretation works of

²Islah Gusmian, *Khazanah Tafsir Indonesia: dari Hermeneutika hingga Ideologi*, LKiS, Yogyakarta, 2013, p. 41-4

³Samsul Munir Amin, *Sayyid Ulama Hijaz: Biografi Syekh Nawawi al-Bantani*, LKiS, Yogyakarta, 2007, p. 76

⁴*Tafsir al-Manār* is the most popular commentaries throughout the modern era. This commentary was originally published regularly in the magazine *al-Manar* scattered all over the Islamic world. The presence of this magazine has influenced the process of enlightenment thinking and a renewal of religion given by Muhammad 'Abduh and Muhammad Rashid Rida. M. Quraish Shihab, *Rasionalitas Al-Qur'an: Studi Kritis atas Tafsir Al-Manar*, Lentera Hati, Jakarta, 2006, p. 1-2. See also Ahmad N. Amir, et. al., *Muhammad 'Abduh's Influence In Southeast Asia*, Middle-East Journal of Scientific Research 13, Kuala Lumpur, IIUM, 2013, p. 124-138

Indonesian exegetes which became the 19th and 20th century representations, it will feel how evolutionary interpretation is. When *Tafsir Marah Labīd* becomes a representation of classic Indonesian exegetes, *Tafsir an-Nūr* and *Tafsir al-Azhar* becomes a representation of modern Indonesian exegetes, even so, *Tafsir an-Nūr* has a moderate tendency, compared with *Tafsir al-Azhar* which is more progressive and revolutionary. Further in this study will exposes how the evolution of the interpretation on corruption.

A. The Interpretation on Corruption According to Indonesian Exegetes

In this section the researcher will describe the interpretation of case studies on the term of corruption. Term of corruption as a modern crime, ranging recognizable in the early 20th century, but as the formation of a verb, the term corruption has existed since ancient Greece, namely *corruptus*, means the act of damaging, or destroying.⁵ So, the evolution of corruption occurs in terminological aspects. That is when the term corruption in the early 19th century, transformed into a new form of crime, is defined as a crime of abuse of power and embezzlement of state finance or public property.

⁵Reza A. A Wattimena, *Filsafat Anti-Korupsi*, Penerbit Kanisius, Yogyakarta, 2012, p. 8

As an important note, exegetes in the 19th and 20th centuries, still consider the effort of interpretation as previous scholars' intellectual heritage, which has not formulated an attempt to answer the problems of interpretation at hand. There are not many the exegete in this century, who addresses the problem of corruption from the point of view of the Qur'an. Though evil practices of corruption such as bribery, embezzlement, and robbery has been rife, even in previous centuries. Locus interpretation of the 18th and 19th centuries produces more interpretations with the classic methodology, which is still peppered with debates about schools (*mazhab*), yet many found a breakthrough in terms of the methodology of interpretation, as is the case in the modern age. So to clarify how the process of the evolution of the interpretation of corruption by Indonesian exegetes can be explored from the result of the interpretation of the verses of the elements of corruption that have been discussed in the previous chapter. Here, researchers will present two major frameworks that can be used as an overview on the evolution of the interpretation, i.e. the forms of corruption crimes and punishment for criminals.

1. Form of Corruption

The discussion about corruption can be attributed to human nature, which is basically, love the luxury of the world, as

spoken by God in QS. ‘Ali ‘Imran [3]: 14⁶, QS. Ibrahim [14]: 3⁷, QS. an-Nahl [16]: 107⁸, QS. al-Ma’ārij [70]: 18-19⁹, QS. al-Insān [76]: 27¹⁰. In fact, the existence of religion aims to reduce the potential crime, by establishing justice, trust, and help each other in goodness, as the word of God in QS. al-Māidah [5]: 2¹¹ dan QS. an-Nahl [16]: 90¹².¹³ Excessive greed to accumulate wealth is the cause of corruption.¹⁴ Treasures of the world that basically

⁶QS. ‘Ali ‘Imran [3]: 14. “It has been adorned for people to love the desire of women, buildings, ornaments made from gold and silver, trained horses, the livestock, and fields. These are the enjoyment of the world, and with God is the best palce of return.”

⁷QS. Ibrahim [14]: 3. “The ones who have preferred the worldly life over the Hereafter and they repel away from the path of God, and they seek its distortion. Those are the ones who are in misguidance.”

⁸QS. an-Nahl [16]: 107. “That is because they preferred the worldly life over the Hereafter, and God does not guide the rejecting people.”

⁹QS. al-Ma’ārij [70]: 18-19. “Who hoarded and counted. Indeed, human being is created anxious.”

¹⁰QS. al-Insān [76]: 27. “These people like the current life and they ignore a heavy day.”

¹¹QS. al-Māidah [5]: 2. “O you who acknowledge, do not violate God’s decrees, nor the restricted month, nor the donations, nor what is regulated, nor maintainers of the Restricted Sanctuary who are seeking a bounty from their Lord and a blessing. When it is permitted for you, then you may hunt. Let not the hatred of another people, because they had barred you from the Restricted Temple, tempt you to aggress. Bond together in piety and righteousness, and do not bind together in sin and animosity. Be aware of God, for God’s retribution is severe.”

¹²QS. an-Nahl [16]: 90. “God orders justice and goodness, and that you shall help your relatives, and He forbids from evil, vice, and transgression. He warns you that you may remember.”

¹³Pramono U. Thantowi (ed), *Membasmi Kanker Korupsi*, PSAP, Jakarta, 2005, p. 244. See also T.M. Hasbi Ash-Shiddieqy, *Kuliah Ibadah: Ibadah Ditinjau dari Segi Hukum dan Hikmah*, Penerbit Bulan Bintang, Jakarta, 1991, p. 34-35

¹⁴M. Nur Kholis Setiawan, *Pribumisasi Al-Qur’an: Tafsir Berwawasan keindonesiaan*, Penerbit Kaukaba, Yogyakarta, 2012, p. 163-165

sacred becomes unlawful because of the nature of human greed.¹⁵ Hamka explained that greed causes damage of the world, corruption, and rising crime due to property issues.¹⁶ Love the world can be shaped in love with wealth, honor and position, along with greed to get both. Because the pleasures of the world, man loses his values and principles even belief in God. They carry out the crime of corruption to get the dream.¹⁷ In other words, criminals have mortgaged faith for the sake of accumulating riches of the world, it is possible, they are said to an apostate, because associating God with the interest of his world. In addition, corruption also causing great damage to kill other human existence.¹⁸

To identify the forms of corruption crimes, researcher will summarize how the interpretation of Indonesian commentators towards verses related elements of corruption, as described in the previous chapter. Explanations will be equipped with the arguments of other commentators, to be clearly understood the dialectic of corruption interpretation. Then the researcher will explain the interpretation of the elements verses of

¹⁵Hamka, *Falsafah Hidup*, Penerbit Pustaka Panjimas, Jakarta, 1984, p. 170-171

¹⁶Hamka, *Tasawuf Modern*, Penerbit Pustaka Panjimas, Jakarta, 2005, p. 200-201

¹⁷Yusuf Al-Qardhawy, *Fiqh Prioritas, Sebuah Kajian Baru Berdasarkan Al-Qur'an dan As-Sunnah*, Robbani Press, Jakarta, 2012, p. 213

¹⁸Abdul Munir Mulkhan, *Kesalehan Multikultural, Ber-Islam Secara Autentik-Kontekstual di Aras Peradaban Global*, PSAP, Jakarta, 2005, p. 112

corruption in terms of taking someone else's property, abuse of power or trust, embezzlement of state property, and have a big damage.

a. Judging from the aspect of taking other people's property.

First, the interpretation of the term *Sariqah* in Q.S. al-Maidah [5]: 38. Term *Sariqah* is interpreted simply by Syaikh Nawawi al-Bantani, as an act of stealing others property illegally. Similarly with the interpretation of Hasbi ash-Shiddieqy and Hamka, that *Sariqah* is a criminal act of theft committed by stealth.

The interpretation is similar with the interpretation of Arab scholars such as al-Zamakhsyari who interprets *Sariqah* as the act of taking property from the custody. While Sayyid Qutb explains *Sariqah* as an effort to take another man's precious treasure, protected, hidden, a minimum of ¼ dinar.¹⁹ While the explanation of Quraish Shihab that *as-sāriq* gives the impression that the actors had been repeatedly stealing, making it feasible said as a thief.²⁰ Thus the new actors steal once or twice, not fair is said as a thief. Stealing is taking clandestinely valuable

¹⁹Sayyid Qutb, *Tafsir Fi Zilāli al-Qur'an*, Juz VI, Gema Insani Press, Jakarta, 2001, p. 34

²⁰M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur'an*, Juz III, Lentera Hati, Jakarta, 2002, p. 91

property owned another person, which is saved by the owner at a reasonable place, and the thief was not allowed to enter the place.²¹

Secondly, the term *al-Akl al-Bāṭil* in Q.S. al-Baqarah [2]: 188 Term *al-Akl al -Bāṭil* according Nawawi is another man's treasure-consuming efforts in ways that are forbidden by *Syari'at*. Hasbi ash-Shiddieqy interprets as an effort to master the property of others, either individuals or legal entities illegally. Hasbi ash-Shiddieqy also mentions the details of *al-Akl al -Bāṭil*, namely: *Riba*, *Risywah*, alms not to the poor, oppressing others' rights, property obtained through fraud, the wages of worship. While Hamka interprets it as a crime to take property with not true way, as all kinds of fraud, the sale of illicit goods, price speculation, and diminish weighing scales.

Quraish Shihab explains this verse contains a general prohibition of economic activity that is contrary to the law, among others, through corruption and bribery. At-Tabari interprets the term *al-Akl* in this verse as a prohibition of eating friend's property, in the wrong way, because it's your friend treasures is yours too. The use of term *al-Akl* has a special understanding that, basically the main priority of all human effort

²¹*Ibid.*, p. 93

is intended to satisfaction of lust and hunger. After the satisfaction of of lust and hunger be fulfilled, then switch to other satisfaction, such as the desire to collect many treasures, vehicles, luxuries, and others. While the term *al-Bāṭil* means that every action that is not allowed or forbidden by God, both in getting the wealth and spending.²² Thabathaba'i explains the term *al-Akl* means depriving. Whereas term *al-Bāṭil* means wrong, unjust, and evil. This means that although wealth in the world created by God (Q.S. al-Baqarah [2]: 29), but each man getting different parts. Society recognizes the right to own property and uphold these rights. So humans can not be greedy, beyond the limits of ownership is set up with the law, because the greed is a part of the moral damage that is unacceptable.²³ According to Quraish Shihab, acquisition of disproportionate property was *al-Bāṭil*, and treasures that include *al-Bāṭil* is everything that not right, not justified by law, and not in line with divine guidance. One of the forbidden and often done in the community is to bribe.²⁴

b. Judging from the aspect of betrayal on misusing the mandate and powers

²²Qamaruddin Shaleh, et. al, *Ayat Ahkam: Ayat-ayat Larangan dan Perintah dalam Al-Qur'an*, CV Diponegoro, Bandung, 2002, p. 2

²³ Muhammad Husain Thabathaba'i, *Tafsir Al-Mizan*, Juz III, Penerbit Lentera, Jakarta, 2011, p. 96

²⁴M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur'an*, Juz I, p. 498

First, about term *ad-Dallaw* in QS. al-Baqarah [2]: 188, Syaikh Nawawi interprets it as an attempt to bring the affairs of the property to the judges with the aim of taking someone else's property in a way that is sinful, ie with perjury. While, Hasbi ash-Shiddieqy interprets it as an act of bribing a judge for the purpose of winning a legal decision. While Hamka interprets it as the activities of taking someone else's property through the help of judges, namely through the shyster in the trial.

Al-Zamakhshari interprets *ad-Dallaw* in this verse as an attempt to bring matters to a judge for the purpose of taking the someone else's property, by bribes way.²⁵ The definition is relevant to the context *Asbā b an-Nuzūl*. Sa'id said: Imri'il Qais ibn 'Abis and 'Abdan ibn Asyima' al-Hadrami arguing about land disputes. Imri'il Qais trying to get the land belonged to him by swearing in front of a judge. Then this verse came down (Q.S. al-Baqarah [2]: 188) as a warning to those who deprives another person right with the wrong way.²⁶ Ibnu Kaşir describes a history of this verse as follows: 'Ali ibn Ṭalhah and Ibn 'Abbas said: "This is related with a person who bears a property, but do not have the evidence, then he tried to avoid and bring it to the judge, even though he knew that he is responsible and he knew also that

²⁵Al-Zamakhshari, *Tafsir al-Kasyasyāf*, Juz I, Dār al-Kutub al-Ilmiyah, Beirut, 1989, p. 231

²⁶Qamaruddin 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

he sinful for eating the forbidden property (because it is not right). Similarly, what is narrated of Mujahid, Sa'id ibn Zubair, Ikrimah, Qatadah, as-Sudi, Muqatil ibn Hayyan, and 'Abdurrahman ibn Zaid, they said: "Do not initiated a court case when you know you are wrong".²⁷

One way to seize property in the wrong way is to bring the matter to court property. This effort can be through the *Risywah* and also filed evidence and false arguments to influence court decisions. The understanding of *Risywah* is giving property (in the form of money or otherwise) to be given to the judge as a bribe. Bribery is intended to the judge sided with him or win his case in court. Bribery is included in the type of investive corruption, ie provision of goods and services without any direct linkage with certain advantages.²⁸ Whereas Thabathaba'i explains term *Tudlū* comes from *Idlā'* which means lowering the bucket into the well to get water. But that term is understood as an effort to gain access. It means offering money and others to the authorities to seduce and convince them to give favorable rulings. The desired verdict is water that is in the depth of the well; bribery is a bucket that is lowered into the well to take what they

²⁷Sayyid Qutb, *Tafsir Fi Zilāli al-Qur'an*, Juz I, p. 210

²⁸Hakim Muda Harahap, *Ayat-ayat Korupsi*, Gama Media, Yogyakarta, 2009, p. 62

want.²⁹ Explanation with parable is also conveyed by Quraish Shihab, that bucket is lowered not visible to others, especially person who are not in the well. Briber lowered his desire to the authorities to decide something, but clandestinely and with the aim of taking something illegally. In general, this verse forbids people taking control of someone else's property and without rights, and restrictions on bribing the authorities decide the case, to take away the others rights by committing sins.³⁰

Second, the interpretation of Term *al-Akl as-Suht* in Q.S. al-Maidah [5]: 42. Syaikh Nawawi interpret it as act of consuming illicit treasures, such as bribery in the judiciary. Hasbi ash-Shiddieqy means in general, the act of eating the forbidden stuff and doing something that brings the harm in the world and the hereafter. While, Hamka interprets it as a bribe to the judge and witnesses in court. Term *as-Suht* means pressing to death and suited to be interpreted as a bribe because if it is fed, their mouths closed die are unable to remove the sentence, so that their mouths are considered dumb. They did not dare to reprove wrong and uphold justice.

²⁹Muhammad Husain Thabathaba'i, *Tafsir Al-Mizan*, Juz III, p. 97

³⁰M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur'an*, Juz I, p. 499

Al-Maragi interprets *as-Suht* as bad attempts and illegal, such as selling dogs, pigs, alcohol or *risywah*.³¹ Al-Zamaksyari interpret term *as-Suht* as all attempts to own property with unlawful way. As for the hadith in accordance with *as-Suht*, as narrated by Zaid ibn Arqam and Abu Bakar as-Siddiq. “I heard the Prophet said: Each meat that grows by works *as-Suht*, the fire of hell will be a return. “The Companions asked, O Messenger of Allah what is meant by the *as-Suht*. He said: “bribes in law”. And Ibn Mas’ud said: *as-Suht* is a man came to see his brother with an interest, and he gives a gift and the person receiving it.”³² Meanwhile, another explanation of Quraish Shihab that explains term *as-Suht* means destroying something. Something unlawful certainly destroy the perpetrators. At first, the word is used to describe a very greedy animal devour the food. Someone who not care where and how he obtained the property, then he equated with an animal that is devouring all kinds of food, so in the end he was destroyed by his own actions.³³

Third, the interpretation of term *Khiyānat* in Q.S. al-Anfāl [8]: 27. Syaikh Nawawi interprets the actions of betraying Allah and His Messenger, especially in matters of religion, also betrays

³¹Muṣṭafa al-Maraghi, *Tafsir al-Qur’an al-‘Azim*, Juz II, Dār al-Kutub al-Ilmiah, Beirut, 1998, p. 436

³²Al-Zamaksyari, *Tafsir al-Kasysyaf*, juz II, p. 622.

³³M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur’an*, Juz III, p. 100

mandates entrusted among men, while knowing what he did was a betrayal. The interpretation is similar to that is described by Hasbi ash-Shiddieqy and Hamka. Generally *Khiyānat* means not keep their promises. In a criminal relationship were discussed in jurisprudence, *Khiyānat* devoted to actions that deny the loan stuff that has been borrowed. However *Khiyānat* also something inherent with *Gulūl*. Because person who do *Gulūl* means he also do *Khiyānat*. This opinion is explained by Sadiq Khan, that “corruption means hiding something in his property, then he betrayed his friend in the treasure.”³⁴ Quraish Shihab explains term *Khiyānat* derived from the word *al-Khaun*, which means shortages. The word *Khiyānat* is used as an antonym of *Amanah*, because if someone cheated on the other hand, he has reduced the obligations that must be fulfilled.³⁵

c. Judging from the embezzlement of state property

³⁴M. Shadiq Khan, *Nail al-Maram min Tafsir Ayat al-Aḥkam*, 1929, p. 99. See also, Majelis Tarjih dan Tajdid PP Muhammadiyah, *Fikih Antikorupsi Perspektif Ulama Muhammadiyah*, PSAP Muhammadiyah, Jakarta, 2006, p. 62.

³⁵*Khiyānat* according to al-Biqā'i understood as an indication that, treacherous to God is essential for everything, including what is mandated by humans to humans come from God. Thabathaba'i understands word fragment *Takhūnū amānatikum* as a whole deals with treacherous to Allah and the Messenger. There is God's message to humans, such as the laws that are required to be implemented, there is a mandate to the Messengers as an exemplary for human being that he show, there is a mandate among humans, such as the mandate of the treasures and secrets. M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur'an*, Juz IV, p. 509-510

Interpretation of term *Gulūl* in Q.S. Ali 'Imran [3]: 161. Syaikh Nawawi interprets it as an act of manipulation over the spoils of war (*Ganīmah*). According to Hasbi ash-Shiddieqy, *Gulūl* as an act of betrayal on *Ganīmah*. Hamka interprets it as a crime of embezzlement *Ganīmah*, it is described later in the present context, as a form of corruption crime of embezzlement of public property or state. Hamka also shows the evil of corruption identified with the authority on state, and who gets the mandate but abuse it, it means corruption.

Sayyid Qutb interprets term *Gulūl* as corruption, hide some treasure for himself or distribute property to his group, or acts of treason against things in general.³⁶ Imam Ahmad narrated from Abu Hurairah he said: “One day the Prophet standing in the midst, and then he mentioned the problem of corruption and he looked at this issue as a major problem. Then he said: “Really, I will see someone among you come on the Day of Judgment was at the top of his shoulders are camel-voiced. Then he said: “Really, I will see someone among you come on the Day of Judgment was at the top of his shoulders are camel-voiced, and he said, ‘O Messenger of Allah help me’. Then I said, ‘I can not help you at all from the torment of Allah, I have delivered (teaching) to you. “Indeed, I will find someone to come in the Day of

³⁶Sayyid Qutb, *Tafsir Fi Zilāli al-Qur'an*, Juz III, p. 300

Judgment, on his shoulders horses neigh there, and he said, ‘O Messenger of Allah please help me’. Then I said, ‘I can not help you from the punishment of Allah in the slightest, in fact I have delivered (teaching) unto you’. Indeed, I would find someone of you come on the Day of Judgment, on his shoulders are objects that do not speak, and he said, ‘O Messenger of Allah, help me’. Then I said, ‘I am not able to help you from the punishment of Allah, I have conveyed to you my teaching.’³⁷ Furthermore, al-Qurtubi interprets term *Gulūl* associated with *Khiyānat*. *Gulūl* means treason and stole *Ganīmah* before distribution. He notes also *Galla fi al-magnāmi yagullu gulūlan fahuwa gālin*, every person who applies treacherous on something in secret that he has prevailed *Gulūl*.³⁸ Such an explanation is also given by Ibnu Kaṣīr, that *Gulūl* means betrayal in running all aspects of the mandate, distribute *Ganīmah*, and others.³⁹ While Quraish Shihab explains *Gulūl* term in this verse means efforts to take valuables from the spoils of war. But in general the word means betrayal, the mandate of the people who submitted, or personal mandate.⁴⁰

³⁷This hadith also reported by Bukhari and Muslim from Abu Hayyan. *Ibid.*, p. 301

³⁸Al-Qurtubi, *Tafsir al-Qurthubi*, Juz IV, Pustaka Azzam, Jakarta, 2008, p. 641

³⁹Muhammad Nasib Ar-Rifai, *Kemudahan dari Allah RingkasanTafsir Ibnu Katsir*, Juz I, Gema Insani Press, Jakarta, 2001, p. 610

⁴⁰M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur'an*, Juz II, p. 265

d. In terms of impact

Interpretation of the Term *Hirabah* and *Fasad* in Q.S. al-Maidah [5]: 33 and 64. Nawawi interprets the term *Hirabah* as an attempt against the laws of God and His Messenger, nor those who fight against the lovers of Allah and His Messenger, the believers. In this context, the war is waged against Muslims Jews. Hasbi ash-Shiddieqy interprets it as an attempt to hold chaos, eliminating comfort, against the rights of personality and holding *zakat*. Hamka explains the term *Hirabah* as fights against God and the Prophet, it means opposing the will of God and the Prophet with hostility planned. While term *fasad* according to Syaikh Nawawi means the damage. I.e., the Jews seek to spread slander and provoke them, and obstructing a person who will meet the Prophet. Hasbi ash-Shiddieqy explains the term *fasad* as a continuous act of 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 bane of many. While Hamka interprets it as damage or unrest such as through the moral destruction of rampant adultery, theft, murder, and environmental damage. Both *Hirabah* and *Fasad* have a great and massive impact.

Al-Qurtubi interprets term *Hirabah* as explained by Imam Malik, the act of attacking or seizing of human life and property, without any cause anger, discord, and hostility. Furthermore, according to Ibn Munzir explained that *Hirabah* means the act of theft, murder, and fight against Allah and the Messenger.⁴¹ Meanwhile, according to the interpretation by Mujahid, *fasad* includes attempted murder, adultery, and theft.⁴² While Sayyid Qutb interprets the verse as efforts to combat states that enforce *syari'at al-Islam*. *Hirabah* and *Fasad* mean efforts disturbs the security and order in the country, as well as efforts to threaten life, property, and honor; include murder, robbery, theft, and rape.⁴³ Whereas Quraish Shihab stated that *Hirabah* means violating the provisions of Prophet. While *Fasad* means an attempt to make corruption in the earth, namely murder, robbery, and theft.⁴⁴

2. The Punishment for Corruptors

When viewed from the interpretations of the crime of corruption which is inferred from the three commentators will result different. However, from the aspect of punishment for criminals, or crimes of corruption, all of exegetes have similar

⁴¹Al-Qurtubi, *Tafsir al-Qurthubi*, Juz VI, p. 360

⁴²*Ibid.*, p. 372

⁴³Sayyid Qutb, *Tafsir Fi Zilāli al-Qur'an*, Juz VI, p. 24-25

⁴⁴M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur'an*, Juz III, p. 83

view, ie, using the interpretation of ulamas mazhab. The conclusion is found by researchers after analyzing the three exeges about the verses of the elements on corruption have been described in the previous section. In outline, penalty sanctions for the corruptor could be the punishment in this world and the punishment in the hereafter. The variation of the punishment also varies according to the level of committed corruption. Punishment for corruptors is realized by the excavation process of law in accordance with the rules of *syari'ah Islam*⁴⁵, which is all the laws derived from the Qur'an and hadith, in this case, as the interpretation of the three exegetes in this research, and additionally by other exegetes.

a. Punishment in the world

The concept of punishment for corruptors which are firm and hard contained in Q.S. al-Maidah [5]: 33 and 38. The punishment ranging from the lightest, is sentenced expelled or exiled or imprisoned; punishment of cutting hand as applied for *Sariqah*; penalty of cutting the hands and feet are assigned to the perpetrator of *Hirabah* who were looted repeatedly; death

⁴⁵*Syari'ah Islam* is based on the revelation of God's law, quoted from the Qur'an and Hadith, complemented by the use of reason, such as *ijma'*, *qiyas*, *ihtisan* and others. Resulting in a process of *ijtihad* to dig legal arguments, to determine the limits of the law on the basis of people's needs. T.M. Hasbi Ash-Shiddieqy, *Pengantar Hukum Islam I*, Penerbit Bulan Bintang, Jakarta, 1994, p. 62

penalty for the perpetrators of *Hirabah* who caused the victim's death; death penalty and cross offender as defined for *Hirabah* or plunder at once cause loss of life. Nawawi explains that the punishment was a censure for corrupt acts (*Hirabah*, *Fasad*, *Sariqah*) which cause damage and threaten community welfare.⁴⁶ While Hasbi ash-Shiddieqy and Hamka elaborate, other than as a censure, a severe punishment given for corruptor to create a deterrent, as well as a lesson for other people not to imitate his crimes. “*These penalties are imposed as a terrifying example of God, so that those who were going to steal think first before committing the theft, because during his life he will bring a sign (cut off hand) to the masses,*” such as Hamka disclosed.

More specifically, Ibnu Kaṣir explains the hadith of Abu Hurairah, that the Prophet said: “Allah cursed the thief who steals an egg then hand cut, and stole a bunch of mine then cut his hand”.⁴⁷ This Hadith also used as the argument that the theft was an act of vile and must be punished firmly, which is cut his hand regardless of the amount (few or many) possessions stolen.⁴⁸

⁴⁶Muhammad Nawawi al-Bantani, *Tausyih ‘ala Ibn Qāsim Syarah Gāyat at-Taqrīb*, Toha Putera, Semarang, 1993, p. 248-250

⁴⁷Muhammad Nasib Ar-Rifai, *Kemudahan dari Allah Ringkasan Tafsir Ibnu Katsir*, Juz I, p. 88. This hadith reported by Bukhari and Muslim.

⁴⁸Each ulamas mazhab determine priest *Nisab* decent price stolen property sentenced to cut the hands. Imam Malik determines *nisab* for three dirhams. It is based on the hadith of Ibn ‘Umar said: The Messenger has been

b. Punishment in the Hereafter

Sanction or punishment in the afterlife is described in Q.S. Ali ‘Imran [3]: 161 and Q.S. al-Maidah [5]: 33. Nawawi interprets that the perpetrator will come with the result he manipulates with borne above the neck. There, corruptors will get a fair reply, whether to plus the punishment or minus the reward. While Hasbi ash-Shiddieqy and Hamka explained, that on the Day of Judgement, the secret treasure embezzlement will be open. Because the corruptors (*Gulūl* actors) will come alone carrying the stuff he corrupted. The corrupt wealth become a witness for the crimes done by corruptors, so they can not escape from his crimes. And then criminals will be repaid in kind, as the magnitude of corruption. While in the Q.S. al-Maidah [5]: 33, Nawawi explains, after receiving his sentence in the world, if the corruptor is unrepenting, they will get a much bigger torture than received in the world. Hasbi ash-Shiddieqy explained that the punishment for corruptors in the world will also be added and

cut off the hands of thieves for stealing a shield worth three dirhams. (Reported from Bukhari, Muslim). Imam Syafi'i assign $\frac{1}{4}$ dinar based on the hadith of Aisha that the Prophet said: The hand of thieves can be cut in the theft of $\frac{1}{4}$ dinar upward (Reported from Bukhari, Muslim). Imam Ahmad ibn Hanbal explains that Nisab of theft is $\frac{1}{4}$ dinar, or three dirhams, this argument based on the hadith of Aisyah that Prophet said: Cut off the hands of thieves in the theft was worth $\frac{1}{4}$ dinar and do not you cut if it is less than that (Reported from Ahmad). While Abu Hanifa assigns that *nisab* of theft is ten dirhams, he explains that the price of the shield is ten dirhams according to Ibn ‘Abbas. See H Salim Bahreisy and H Said Bahreisy, *Terjemah Singkat Tafsir Ibnu Katsier*, Juz III, PT. Bina Ilmu, Surabaya, 1986, p. 91-92

imposed in the next with a cruel punishment. While Hamka interprets that in hereafter corruption case will reopen and would receive a painful punishment. This proves that the sin of these people is very large. On top of the world they screw up society and get punished in kind, and in the hereafter they will be receiving the law again. But for those who are still alive, there is still a chance for repentance.

Ibn Kaşir explains some of the hadith relating to *Gulūl* among others; reported from Abu Ahmad al-Asyja’i Malik, that Prophet said: *“The greatest corruption in the sight of God is the piece of land. You see two people who have borders land or house. Then the one takes a piece of his brother. So if he takes it, would be worn to him of the seven layers of the earth on the Day of Judgment”*.⁴⁹ Then the report from Mustaurid ibn Syadad, the Prophet said: *“Whoever is entrusted with a position, if he does not has house, then give him a house; if he does not has a wife, then give him the wedding, if he does not has a maid, then give him a maid; and if he does not has a vehicle, then provide a vehicle for him. Those who take something much more, so he is a corruptor”*.⁵⁰ Furthermore, a report from ‘Umar ibn Shu’aib of his father and grandfather, that the Prophet said: *“Put your thread*

⁴⁹Muhammad Nasib Ar-Rifai, *Kemudahan dari Allah RingkasanTafsir Ibnu Katsir*, Juz I, p. 610

⁵⁰*Loc. cit*

and needle were taken, because corruption is a shameful act, hellfire, and a disgrace to the perpetrator on Judgment Day".⁵¹

While the hadith more concrete again that associated with *Risywah*, it was stated that the Messenger of Allah said: "*Allah has cursed the briber and the bribe recipients in the legal process.*" In another editorial, stated: "*Messenger of Allah has cursed the briber, bribe receiving, and intermediaries from both.*" Later in the different occasions, the Prophet said: "*briber and the bribe recipients go to hell.*"⁵²

B. Factors which Differentiate the Interpretation on Corruption according to Indonesian Exegetes

Based on this analysis, we can conclude how the process of evolution in the interpretation of the verses of the elements of corruption by Indonesian commentators. The mention of the term corruption is not explicitly found in *Tafsir Marāḥ Labīd*. Yet when it's viewed from the interpretation of the verses of the previous corrupt elements, it can be understood the concept of corruption in *Tafsir Marā ḥ Labīd* is any crime against property. Which include some case; they are theft, fraud, robbery, and destruction of the rights of others illegally, or violating *the Shari'ah*. Discussion about crimes including

⁵¹*Ibid.*, p. 612

⁵²The hadith reported by Abu Dawud, Ahmad, and at-Tirmizi. See Hakim Muda Harahap, *Ayat-Ayat Korupsi...*, p. 153

corruption in *Tafsir Marāḥ Labīd* is still global. Thing likewise can also be found in *Tafsir an-Nūr*, Hasbi ash-Shiddieqy work, he does not explicitly mention the term of corruption. so that the conclusions drawn from the verses of the elements of corruption from his commentary explain that corruption is still a global concept, the effort and taking property rights of others in any unauthorized way, whether it's through clandestine theft or robbery in the street equipped with armor. Also attempted bribery to the judge, the embezzlement of public property, and destruction of the environment, both morally and in physical form. Another case in *Tafsir al-Azhar*, the term of corruption mentioned by Hamka when interpreting the term *Gulūl* in Q.S. 'Ali 'Imran [3]: 161. From the interpretation, Hamka elaborated that corruption as crimes of embezzlement of public property and also abuse of authority or public mandate, as the simplest example, when an employee is absent or late to go to the office also includes as corruption, or corruption of time.

The process of evolution of interpretation of the verses of the elements of corruption can be analyzed from at least three determining factors of change, namely: social-culture background, intellectual background, and the background of politics and power. Due to a work of interpretation can not be separated from the social space, where and by whom the

commentary was written. This social space with a diversity of problems and dynamics, consciously or unconsciously, will color the commentarie and simultaneously represent the interests and ideologies.⁵³ The following analysis will compare the background affecting Nawawi, Hasbi ash-Shiddieqy, and Hamka, in producing works of tafsir.

1. Cultural

Syaikh Nawawi life during the 19th century, in the midst of a religious family. He was born and raised in the middle of Western colonialism; social background is filled with the phenomenon of oppression by the occupiers. It is also felt by Hasbi and Hamka, although both lived in the 20th century. Colonial conditions that are often detrimental to the people become daily sight. All of exegetes live on the social background of the oppressed or almost the same. They witnessed unfair practices, injustice and oppression of the government of the Dutch East Indies. This is because of the stupidity that still surrounds people. No doubt, the surge of *jihad* spirit flared in the three exegetes' life.

Nawawi wrote in his commentary work in Mecca, in contrast to Hasbi and Hamka who wrote his commentary in

⁵³Islah Gusmian, *Khazanah Tafsir Indonesia...*, p. 319

Indonesia. So that social space of Indonesia attachment is not so visible *Tafsir Marāḥ Labīd*, the large of phenomenon of corruption within the Indonesian social culture of the 19th century is not so much calculated by Nawawi in his commentary book. The same thing can also be seen in *Tafsir an-Nūr*, Hasbi ash-Shiddieqy works, although it was written in Indonesia in the mids of corruption problems that plagued the community, his work does not specifically discuss about corruption in his commentary. Different from Hamka, which specifically address corruption in its interpretation. This shows the sensitivity of Hamka, because he inserts contextual problems to be discussed and looked for an answer in his commentary.

2. Intellectual

Both Nawawi, Hasbi, and Hamka, were born in a family of scholars. That means since their childhood, they are equipped with the strong religious sciences, wether science of theology (*kalam*), Islamic Jurisprudence (*fiqh*), and a set of Arabic science, as the trend of religious education which is taught at the *pesantren*. The difference is that Nawawi who lived in the 19th century, is more intense with scientific religion because after migrate to several *pesantren* in Java, he continued his education in Makkah through a network of scholars, Jawi community. While Hasbi and Hamka, besides getting scientific religion, since

childhood also learn in general school. Hasbi traveled to various *pesantren*, to meet many intellectuals, yet many renewal ideas are learned while studying at the Madrasah *Al-Irsyad* in Surabaya. As with Hamka, who since childhood raised by his father who is also known as the famous Islamic reformer in Sumatra, Syaikh Abdul Karim Amrullah. While the intellectual relation of Nawawi disposed more traditional, in his time has not sparked the renewal of Islamic thought. So the scientific landscape of Nawawi, impressed to continues the tradition of Islamic thought which maintains four schools in the running as a handle religion.

Nawawi's intellectual network still inherits the scientific tradition of medieval Islamic scholars, it has an impact on Nawawi's understanding that *ijtihad* has been closed. When interpreting the Qur'an, Nawawi oriented subjects that have been obtained previously. Nawawi admitted, away from the use of ratios, which he said would undermine and tarnish the sanctity of understanding the Qur'an. So the process of interpretation is based on the interpretation of the narrations of previous scholars, such as *al-Tafsir al-Ilahiyyah Futuḥāt*, *Mafatih al-Gaib*, *al-Siraj al-Munir*, *Tanwir al-Miqbas*, and *al-Irsyād al-Aql al-Salīm*. The building of his intellect limit his commentary works to to discuss new issues that seem heretical, *bid'ah*.

While Hasbi's intellectual network allows him to write commentary for the upper answer to problems of people. In addition, Hasbi's position as a lecturer at the Islamic university, with his degree; doctor of Islamic law, as well as the renewal of Islamic thought as he understands, in fact doesn't make him out of the effort to produce Indonesian oriented commentaries. Where when Hasbi doing the writing process of interpretation, the issue of corruption was rampant discussed by some government critics. In fact, *Tafsir an-Nūr*, despite carrying on renewal ideology and critiquing normative theological debate. But the cases are appointed as the Islamic renewal campaign, still fixated on the interpretation of the results of previous reformers commentators, such as 'Umdatul *Tafsir* 'an al-Hafiz Ibn Kaṣīr, *Tafsir al-Manār*, *Tafsir al-Qāsimy*, *Tafsir al-Marāgi*, dan *at-Tafsir al-Wādih*.

While the intellectual network of Hamka stretched wide with different backgrounds of expertise, such as a preacher, writer, journalist and politician. Hamka was able to catch the problems of people to be used as a case study in the interpretation. In fact, Hamka wrote some of his commentary scripts when he was a political prisoner. Because he was considered by the government including the subversive Islamic groups. Hamka's scientific background shapes him to be critical, so the issue of corruption, which had several times been

mentioned when he was a member of the constituent, is included in the case study of interpretation. Although Hamka also uses the reference of prior history of interpretations, the issue that is brought by Hamka in his commentary is adapted to the problem context of the Indonesian social issue experienced at that time. Additionally, the narrative of *Tafsir al-Azhār* is reportage style, allowing readers from all society level can understand his commentary. It makes *Tafsir al-Azhar* including 'adabi *ijtima'i*, a written commentary on the social reality that answers the problems of the people, especially the Muslims of Indonesia.

3. Political Interest

Viewed from intellectual aspect of the three commentators, it can be understood in detail, that Nawawi wrote interpretation free of social space, whether the context of Arab, the place he writes a commentary or Indonesian context as his birthplace. Interests that is served by Nawawi is the interpretation of the Qur'an as literal, based on the work of previous scholars. It is intended that the Qur'an is not irreducible by the ideological interests of the commentators. So the main interest of *Tafsir Marāḥ Labīd* is trying to take away from any political and ideological interests derived from his own thoughts.

While Hasbi ash-Shiddieqy's initial interests to make the Indonesian Muslim community easier to understand the Qur'an. Due to the lack of commentaries in Indonesian language. In addition, Hasbi also has ideological interest that is to smoothen the reform of ideological jurisprudence especially removing mystical tradition barriers that is still carried out by the Indonesian Islamic community. However, the problem raised by Hasbi still surrounds the issue of theological and religious practices which are misguided. Hasbi still follow the current interpretation of Islamic reform as discussed in *Tafsir al-Manār* and *Tafsir al-Marāgi*. The similar ideological interest is also applied by Hamka in *Tafsir al-Azhar*.

Beside that, Hamka also incorporate political interests to criticize a *zālim* government and social overlap conditions. Naturally, Hamka has no fear intersect with the ruler or government; even he was imprisoned as a political prisoner because of his "loud voice". From that political interests, it is reasonable if Hamka interprets issue of corruption committed by the authorities for misuse mandate and state property.